

A C T S

PASSED AT THE

THIRD ANNUAL SESSION

OF

THE GENERAL ASSEMBLY

OF

THE STATE OF ALABAMA

BEGUN AND HELD IN THE TOWN OF

CAHAWBA,

ON THE FIRST MONDAY IN NOVEMBER, ONE THOUSAND

EIGHT HUNDRED AND TWENTY-ONE

ISRAEL PICKENS.....GOVERNOR

JOHN D. TERRELL,
PRESIDENT OF THE SENATE....AND

JAMES DELLETT,
SPEAKER OF THE HOUSE OF REPRESENTATIVES

CAHAWBA:

PRINTED AND FOR SALE AT THE PRESS-OFFICE
BY WM. A. ALLEN & CO.-PRINTERS TO THE STATE
JAN. 1822

PHOTO-FACSIMILE REPRINT

50 copies only

STATUTE LAW BOOK CO.

WASHINGTON, D. C.

NOV. 1913.

ACTS OF ALABAMA.

AN ACT

Supplementary to an act to establish a State University.

1821.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That His Excellency the Governor, ex officio, together with twelve trustees, two of whom shall be elected from each judicial circuit by joint ballot of both Houses of the General Assembly, and who shall continue in office for the term of three years shall constitute a body politic and corporate, in deed and in law, by the name of The Trustees of the University of Alabama, and by that name they and their successors shall and may have perpetual succession, and be able and capable in law, to have, receive, and enjoy to them and their successors, lands, tenements, and hereditaments, of any kind or value, in fee or for life, or for years, and personal property of any kind whatsoever, and also all sums of money of any amount whatsoever which may be granted or bequeathed to them for the purpose of promoting the interests of the said University.

Trustees
to be elect-
ed.
Term of
office.
Incorpor-
ated.

SEC. 2. And be it further enacted, that there shall be a stated meeting of the said trustees in each year, at the time of conferring degrees; and that the President of the said University, and four of the said trustees shall have full power to call an occasional meeting of the board, whenever it shall appear to them necessary, and that at all meetings the President of the board of trustees aforesaid, and a quorum of the trustees, shall be capable of doing and transacting all the business and concerns of the said University, except what is hereinafter excepted; that they shall have the power of electing all the necessary and customary officers of the said institution, of fixing their several salaries, of removing any of them for neglect or misconduct in office, a majority of the whole number of trustees concurring in said removal; that they shall have the power of prescribing the course of studies to be pursued by the students, and of framing and enacting all such ordinances and by-laws as shall appear to them necessary, for the good government of the said University, and of their own proceedings: Provided, the same be not repugnant to the laws of the United States, and of this State.

To meet
annually.

May call a
meeting.

May elect
officers.
Fix sala-
ries.
Remove
officers.
Prescribe
course of
Students.
Enact by
laws.

SEC. 3. And be it further enacted, that the head of the said University shall be styled The President, and the in-

structors thereof, The Professors; but professors while they remain such shall never be capable of holding the office of trustee: And the President and Professors on a majority of them shall be styled The Faculty of the University, which faculty shall have power of enforcing the ordinances and by-laws adopted by the trustees for the government of the pupils by rewarding or censuring them, and finally by suspending such of them as after repeated admonitions shall continue disobedient or refractory, until a determination of a quorum of trustees can be had; but it shall be only in the power of a quorum of trustees at their stated meetings, to expel any student or students of the said University.

SEC. 4. And be it further enacted, that the trustees of the said University, shall and may have a common seal for the business of themselves and their successors, with liberty to change or alter the same from time to time, as they shall think proper; and that by their aforesaid name, they and their successors shall and may be able to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity within this state; and to grant, bargain, sell or assign, any lands, tenements, goods or chattels, in such manner as is hereinafter specified; and to act and to do all things whatsoever for the benefit of the said institution, in as ample a manner as any person, or body politic or corporate, can or may do by law.

SEC. 5. And be it further enacted, that no misnomer of the University of Alabama, shall defeat or annul any gift, grant, devise or bequest, to the same; provided, the true intent of the parties shall sufficiently appear upon the face of the gifts, grants, will, or other writing, whereby any estate or interest was intended to pass to the said University; nor shall any misuser, or nonuser of the rights, liberties, privileges, jurisdiction, and authorities hereby granted to the said University, create or cause a forfeiture thereof.

SEC. 6. And be it further enacted, That the trustees or so many as shall be fixed on by their by-laws, as aforesaid, shall have full power by the Principal or Professors of the said University, to grant or confer such degree or degrees in the arts or sciences to any of the students of the said University, or persons by them thought worthy, as are usually granted and conferred in other Universities in the United States, and to give diplomas or certificates thereof signed by them and sealed with the common seal of the trustees of the University, to authenticate and perpetuate the memory of such graduation.

Faculty;
to enforce
by-laws,
&c.

May suspend
Students.

Trustees
may expel
Students.

Corporate
powers.

Misnomer
not to defeat
bequests, &c.

Proviso,
Misuser
or, Nonuser
not to forfeit
rights &c.
granted.

Trustees
may confer
degrees
on Students.

May give
diplomas.

SEC. 7. And be it further enacted, That no person shall be excluded from any liberty, liberties, community, office, or situation in said University, on account of his religious persuasions, Provided, he demean himself in a sober, peaceable and orderly manner, and conform to the rules and regulations thereof.

SEC. 8. And be it further enacted, That His Excellency the Governor, shall be, ex officio, the President of the Board of Trustees: Provided however, That in case he should not attend the meetings of the said trustees, the trustees shall elect a President pro tempore, who shall preside at such meeting.

SEC. 9. And be it further enacted, That the trustees shall elect a treasurer, who shall continue in office for the term of three years, and who shall give bond in such penalty, and with such security conditioned for the faithful performance of his duty, as the said trustees shall direct: Provided however, That the said treasurer shall receive, as compensation, five hundred dollars annually, for his services.

SEC. 10. And be it further enacted, That the said trustees shall have power, and it is hereby declared to be their duty upon a notice from the President of the Board, to examine and report to the Legislature, at their next session, such place or places, having a due regard to health and the fertility of the surrounding country, as shall appear to them most suitable for the location of the University; and the Legislature shall, at the session when such report shall be made, proceed by joint ballot of both houses of the General Assembly to make a choice of the site for the University, which choice when so made, shall not be subject to any alteration thereafter.

SEC. 11. And be it further enacted, That the site thus selected by the Legislature, shall be exempted from the sale, Provided, The same shall have been granted to this State by an act of the Congress of the United States for a seminary of learning; and if the same shall not have been granted to this State as aforesaid, the trustees shall have full power to purchase the site thus selected.

SEC. 12. And be it further enacted, That the trustees shall have the entire control over the site thus selected for the University, and may lay off and sell such lot or lots to such persons, and upon such conditions as they may think proper.

SEC. 13. And be it further enacted, That the trustees shall, so soon as the said selection shall have been made, as aforesaid, contract with a suitable person or persons for the erection of such buildings as they may deem necessary, for the purpose of carrying this act into complete effects.

No person
debarred
office on ac-
c't of Reli-
gious per-

sua-
sions.

Governor
President
ex-officio.
Proviso.
Trustees

may elect

President
pro-tem.

Trustees
to elect
Treasurer.

Term of
office.

Give bond.
Compen-
sation.
Trustees
to report
to Legisla-
ture site
for Univer-
sity.

Legisla-
ture to
make chief

of site.
Site select
reserved
from sale.
Proviso.

Trustees
may pur-
chase site.
May sell
lots.

May erect
buildings.

1821.

6

Seminary
lands vest-
ed in trus-
tees.

Trustees
may sell
lands.

Proviso.
Minimum
price.

Condition
of sale.

Trustees
to issue
certificate.
To purcha-
sers of land.

Land forfeit-
ed if in
instalments
not punc-
tually paid.

To be sold
at expira-
tion of 3
months.

Proviso.

Not forfei-
ted by giv-
ing bond,
&c.

Proviso.

SEC. 14. And be it further enacted, That all the lands which this State has received as a donation from the Congress of the United States for a seminary of learning, shall be vested in the said trustees, who shall dispose of the said land in such manner as shall be best calculated to promote the object of said grant, Provided however, That the minimum price on said land shall not be less than seventeen dollars per acre; And provided further, That on fourth part of the purchase money shall be paid at the time of sale, and the remainder divided into four annual instalments.

SEC. 15. And be it further enacted, That the said trustees of the University of Alabama, upon receiving from any purchaser of any tract or parcel of land, which they are authorized to sell as aforesaid, the one fourth part of the purchase money, so required to be paid as aforesaid, shall issue to such purchaser a certificate, that the purchase of such tract of land has been made by such purchaser, that he has paid the fourth part of the purchase money, and declaring that upon the punctual payment of each and every one of the remaining instalments (the amount of each of which instalments shall be specified in such certificate,) they will convey such tract of land to such purchaser, or his heirs, executors, administrators, or assigns; and should such purchaser assign such certificate, the assignee shall possess all the rights which may have been vested in his assignor.

SEC. 16. And be it further enacted, That should any person who may purchase any tract of land from the said trustees as aforesaid, or the assignee of such purchaser, fail to make punctual payment of the amount of any one of the instalments which may become due on said tract of land, the land shall be absolutely forfeited to the said trustees, with the money paid thereon; and the said trustees may, and they are hereby authorised, after the expiration of three months from the time of such forfeiture, to dispossess any person or persons who may be in possession of such tract of land by the writ of unlawful detainer: Provided, That such purchaser or his assignee may at any time within three months after the time at which the first instalment may fall due, which such purchaser or his assignee may fail to pay as aforesaid, execute a bond or bonds with good and sufficient personal security, for the payment of each of the instalmentss which may remain unpaid, by the times they shall respectively become due: and in such case, the land shall remain in the possession of such purchaser, his or her assignment: And provided also, That should the said trustees be unable to collect the monies which may become due on the bond or bonds which may be given in the manner herein before required, by reason of the insolvency of the obligora, or

for other cause, then said trustees may direct an execution which may be sued out on any judgment which they may recover on any such bond, to be levied on such land which shall be sold by virtue of such execution; and said trustees shall convey such land to the purchaser at such sale, and the proceeds of such sale shall be applied in the first place to the payment of the whole amount which may be due to the said trustees for the said land, either by virtue of the judgment on which such execution may be sued out, or of any lands which they may hold for other instalments, and the remainder over to such proceeds, after paying costs, &c. shall be paid over to such purchaser or his assignee, who may be entitled to receive the same.

SEC. 17. And be it further enacted, That the said trustees shall have the power to appoint one, two, or three persons not of their own body, either of whom may make sale as the trustees direct, whose duty it shall be to attend to the examination and sales of all the lands, and to receive the money arising from the first payment, and to dispose of the same as the trustees may order and direct according to law: Provided, The said persons so appointed shall give bond and good security, to be approved of by the said trustees for the faithful performance of their duty, and that they shall receive such compensation as may be allowed by the said trustees.

SEC. 18. And be it further enacted, That the trustees elected shall meet at the town of Tuskaloosa on the first Monday of April next, and shall proceed to make the appointments contemplated by this act: Provided, That a majority shall make the appointments; And provided also, That the appointments shall not be made until two o'clock on the Thursday of said week, unless all the trustees elected shall meet previous to that time, then and in that case the appointments may be made sooner.

SEC. 19. And be it further enacted, That every trustee elected or appointed by the provisions of this act shall, before entering on the duties assigned him as trustee, take and subscribe the following oath, before some Judge or Justice of the Peace, to wit: "I _____ do solemnly swear (or affirm,) that I will faithfully discharge the duties assigned me as trustee, to the best of my skill and ability, without partiality or affection—So help me God."

SEC. 20. And be it further enacted, That the proceeds arising from the sales of the said lands shall be paid over to the trustees, and shall be by them vested in such funds as they may direct: Provided, It shall be their duty to report annually to the Legislature, the financial situation of the said institution: And provided further, That the capital

Trustees
may bring
suit, &c.

Excess to
be refund-
ed.

Trustees
may ap-
point per-
sons to sell
land.

Persons
appointed
to give
bond.

Their com-
pensation.
Trustees
when and
where to
meet.
Hour of
making ap-
pointm'ts.

Oath to be
taken by
trustees.

Trustees
to receive
proceeds of
sale, land.
May vest
proceeds.

Report to
Legislat'r.

stock arising from the sale of the lands as aforesaid, shall not be reduced in any manner whatever.

Sec. 21. And be it further enacted, That the laws now in force relatively to the leasing of the said land, shall continue in force until the said land shall be sold: Provided, That if they shall be sold previously to the first day of January, one thousand eight hundred and twenty-three, the lease shall not be deprived of the benefit of remaining on the same until that time, and of receiving the growing crop.

Sec. 22. And be it further enacted, That the said trustees shall have the power, and it is hereby declared to be their duty to select a city for a female institution; which institution shall be considered as a branch of the University of the State of Alabama, and shall be governed by the same laws, so far as the same may be applicable.

Sec. 23. And be it further enacted, That the said trustees shall have the power to contract for the necessary buildings, and to do every other act necessary to carry this act into complete effect.

Sec. 24. And be it further enacted, That this act shall be deemed a public act, and judicially taken notice of without special pleading, and the same shall be liberally construed, for fully carrying into effect the beneficial purposes hereby included.

(Approved, December 18th, 1821)

AN ACT

To form a sixth Judicial Circuit, and or other purposes therein mentioned.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That this State be, and is hereby divided into six Judicial Circuits, to be arranged as follows:

The first judicial circuit shall be composed of the counties of Monroe, Clarke, Washington, Mobile, Baldwin, and Marengo. The counties of Dallas, Wilcox, Perry, Bibb and Autauga, shall compose the second judicial circuit. The counties of St. Clair, Shelby, Jefferson, Tuskaloosa, Greene and Blount, shall compose the third judicial circuit. The counties of Pickens, Limestone, Lauderdale, Lawrence, Franklin and Marion, shall compose the fourth judicial circuit. The counties of Jackson, Decatur, Madison and Morgan, shall compose the fifth judicial circuit. The counties of Covington, Henry, Pike, Montgomery, Conecuh and Butler, shall compose the sixth judicial circuit.

Sec. 2. And be it further enacted, That the circuit courts of the first judicial circuit shall hereafter be held at the times following, in each and every year, to wit:— In the county of Monroe on the first Mondays in April and October, to continue in session two weeks. In the county of

Clarke on the third Mondays in April and October. In the county of Marengo on the fourth Mondays in April and October,—in the county of Washington on the first Mondays after the fourth Mondays in April and October, to continue in session two weeks. In the county of Mobile on the third Mondays after the fourth Mondays in April and October. In the county of Baldwin on the fourth Mondays after the fourth Mondays in April and October. That the circuit courts of the second judicial circuit shall be held at the times following, in each and every year, to wit: in the county of Dallas on the third Mondays in March and September, to continue in session two weeks. In the county of Wilcox on the first Mondays after the fourth Mondays in March and September. In the county of Perry on the second Mondays after the fourth Mondays in March and September. In the county of Bibb on the third Mondays after the fourth Mondays in March and September. In the county of Autauga on the fourth Mondays after the fourth Mondays in March and September. That the circuit courts of the third judicial circuit, shall be held at the times following, in each and every year, to wit: In the county of Greene, on the first Mondays in March and September. In the county of Tuskaloosa on the second Mondays in March and September, to continue two weeks. In the county of Jefferson on the fourth Mondays in March and September. In the county of Blount on the first Mondays after the fourth Mondays in March and September. In the county of St. Clair on the second Mondays after the fourth Mondays in March and September. In the county of Shelby on the third Mondays after the fourth Mondays in March and September. That the circuit courts of the fourth judicial circuit shall be held at the times following, in each and every year, to wit: In the county of Limestone on the first Mondays in March and September, and to continue in session two weeks. In the county of Lawrence on the third Mondays in March and September, and to continue in session two weeks. In the county of Lauderdale the first Mondays after the fourth Mondays in March and September, to continue in session two weeks. In the county of Franklin on the third Mondays after the fourth Mondays in March and September, to continue in session two weeks. In the county of Marion on the fifth Mondays after the fourth Mondays in March and September. In the county of Pickens on the sixth Mondays after the fourth Mondays in March and September. That the circuit courts of the fifth judicial circuit shall be held at the times following in each and every year. to wit: in the county of Jackson on the second Mondays in April and October, and continue

Clarke,
Marengo,
Washington.
Mobile.

Baldwin.

Dallas

Wilcox.
Perry.
Bibb.

Autauga.

Greene.
Tuskaloosa.
Jefferson.
Blount.

St. Clair.

Shelby.

Limestone.

Lawrence.

Lauderdale.

Franklin.

Marion.

Pickens.

Jackson.

Decatur.
Morgan.

Madison.

Butler,
Conecuh.

Covington.

Henry
Pike.
Montgom-
ery.

The Judge
of the 6th
Circuit to
be elected,
&c. as per
Constitu-
tion.

A Solicitor
for 6th Cir-
cuit to be
appointed:
his salary.
Clerk of
Circuit C't
of Madison
Co. to draw
the names
of addition-
al juror..

one week. In the county of Decatur on the third Mon-
days in April and October, and continue one week. In
the county of Morgan on the fourth Mondays in April and
October, and continue one week; and in the county of
Madison on the first Mondays after the fourth Mondays in
on the first Mondays after the fourth Mondays in
April and October, and continue four weeks. That the
circuit courts of the sixth judicial circuit shall be held at the
times following, in each and every year, to wit: in the
county of Butler on the first Mondays in March and Sep-
tember. In the county of Conecuh on the second Mon-
days in March and September. In the county of Coving-
ton on the third Mondays in March and September. In
the county of Henry on the fourth Mondays in March and
September. In the county of Pike on the first Mondays
after the fourth Mondays in March and September. In the
county of Montgomery on the second Mondays after the
fourth Mondays in March and September, and to continue
in session two weeks.

Sec. 3. And be it further enacted, That a circuit Judge,
for the sixth judicial circuit, shall be elected or appointed,
and qualified in manner and form as prescribed by the con-
stitution; and that as a Judge of the Circuit and Supreme
Courts of the State, he shall receive the same salary, hold
his office by the same tenure, and have, exercise and enjoy
the same powers, rights and privileges, and perform the same
duties as appertain to the other Judges of the Circuit and
Supreme Courts.

Sec. 4. And be it further enacted, That all process
now, or hereafter made returnable to any of the Circuit
Courts of this State at the first term thereof by the existing
laws, shall be returnable to the first term of said courts as
changed by this act, and shall be proceeded on as though
made returnable thereto.

Sec. 5. And be it further enacted, That a solicitor for
the sixth judicial circuit be elected or appointed in manner
and form as prescribed by law and the constitution, and that
he receive the same fees and salary, and exercise the same
powers, rights and privileges, and perform the same duties
as appertain and belong to the other solicitors of the State.

Sec. 6. And be it further enacted, That it shall be the du-
ty of the clerk of the Circuit Court of Madison county, to
draw the names of twenty persons for jurors in addition to
the number, and in the same manner now required by law,
and he shall issue a venire facias to the sheriff of said coun-
ty, requiring him to summon the persons whose names shall
be so drawn, to attend on the third Monday of the next
term of said court, and until the end of the term, who shall
be entitled to the same compensation now allowed to ju-

rors, and who shall serve as petit jurors from the time at which they are so summoned to appear, until the end of the term. And it shall be the duty of the presiding Judge to discharge those jurors who may be summoned to appear on the first day of the term, except such as may be drawn as Grand Jurors, on the second Saturday of the term.

Sec. 7. And be it further enacted, That if at any time it shall happen, that from the period allotted to the several Circuit Courts of this State, to hold their respective terms, any of the said courts should be unable to get through all the business before their said courts respectively, then and in that case, it shall and may be lawful for the presiding Judge to hold an intermediate term for the completion of all unfinished business, to which term a jury shall be summoned to attend as well as witnesses whose testimony may be desired before such court. [Approved, Dec. 13, 1821.]

Duty of
presiding
Judge.

Judges
may hold
an inter-
mediate
term.

AN ACT

For the Relief of Purchaser at the first sale of Lots in the Town of Cahawba.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That in all cases where lots in the town of Cahawba have been purchased from the State, prior to the first day of January, eighteen hundred and twenty, it shall be lawful for any such purchaser or other person or persons, being the legal holder of any certificate or certificates of lots, on or before the twentieth day of May, eighteen hundred and twenty-two, to file with the Secretary of State a relinquishment in writing, of any lot upon which the whole purchase money has not been paid; and all sums paid on the lots relinquished, shall be applied to the payment of any instalments, which may be, or shall hereafter become due and payable upon any lots purchased, prior to the first day of January one thousand eight hundred and twenty, as shall not have been relinquished, and shall be so applied and credited as to complete the payment on some one or more lots, where the payments by transfer are sufficient for that purpose: Provided, that the right of relinquishment hereby given shall in no case authorize the party relinquishing, to claim any re-payment from the State.

Sec. 2. And be it further enacted, That the interest which shall have accrued before the twentieth day of May, one thousand eight hundred and twenty-two, upon any debt to the State, for any lots purchased prior to the first of January one thousand eight hundred and twenty, shall be, and the same is hereby, remitted and discharged.

Sec.3 And be it further enacted, That all debts due from the purchasers or legal holders of lots in the town of Ca-

Purchas-
ers to file
relinquish-
ment with
Secretary
of State.

Payments
on lots re-
linquished,
how appli-
ed.
Interest for
lots accru-
ing before
20th May,
1822, re-
mitted.

Purshas're
to pay in 4
inst'lm'nts.
1st instal-
ment when
paid.

Proviso.

Forfeited
on failure
of paym't.

Deductions
on prompt
payment.

Purchas'rs
to allow
sub-purch.
the benefit
of this act.

Persons
relinquish-
ing to file
with Sec-
retary of
state a cer-
tain decla-
ration be-
fore the 20
May 1822.

Persons
removing
buildings
not benefi-
ted.

hawba, shall be paid in four equal instalments, with-
out interest: The first instalment to become due on the
first day of December, one thousand eight hundred and
twenty-two; and the debtors aforesaid shall be entitled to
a discount of twenty-five per cent. on each instalment if
punctually paid: Provided, that if any of the instalments
aforesaid should not be paid at the time when the same be-
come due and payable, then and in that case, the original
terms of sale shall be renewed, and the lot or lots, on
which such failure of payment shall happen, shall be there-
by forfeited; and all sums heretofore paid on said lot or
lots, shall accrue to, and enure to the use of the State.

Sec. 4. And be it further enacted, That in all cases where
complete payment of the sum due or which may become
due for any lot or lots, purchased from the State as afore-
said, shall be make on or before the first day of December,
one thousand eight hundred and twenty-two, a deduction
at the rate of thirty seven and a half per centum, shall be
allowed upon the sum remaining unpaid; and if complete
payment shall be make on or before the twentieth day of
May, one thousand eight hundred and twenty-two, a deduc-
tion at the rate of fifty per cent. shall be allowed upon the
sum remaining unpaid: Provided, that nothing herein
contained shall authorize any discount upon payments
made by a transfer of former payments under the provis-
ions of the first section of this act.

Sec. 5. And be it further enacted, That if any individual or
company, that has laid off into any subdivision and sold any
lots or parts of lots that he or they may have purchased,
or been the legal proprietor of, shall fail or refuse to allow
to such sub-purchaser, all the terms and benefits granted
by this act to the original purchaser of said lot or lots, then
such original purchaser or proprietor shall be debarred from
having or claiming any right or benefit under this act.

Sec. 6. and be it further enacted, That no person shall be
deemed to be included within, or entitled to, the benefit of
the provisions of this act, who shall not on or before the
twentieth day of May, one thousand eight hundred and
twenty-two, sign and file in the office of the Secretary of

State, a declaration in writing, expressing his consent to the
same, and shall pay to the Secretary for receiving and re-
cording and filing the same one dollar.

Sec. 7. And be it further enacted, That no person or per-
sons who shall remove any building or buildings, off any
lot or lots intended to be forfeited, shall be benefited by
any of the provisions of this act.

(Approved, November, 23, 1821.)

AN ACT

To repeal in part, and amend an act, entitled an act, to constitute a court of Oyer and Terminer for the trial of Slaves, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the aforesaid act, as makes it the duty of the clerk of the superior court of the county in which such court may sit, to attend said court and make a record of its proceedings, and issue all necessary subpoenas, for such slave, as well as for the State, and to compel the attendance of witnesses, and shall charge the usual fees, to be paid by the State, be and the same is hereby repealed.

Repeal.

Sec. 2. And be it further enacted, That hereafter it shall be the duty of the clerk of the county court of the county in which such court may sit, to attend it and make a record of its proceedings, and issue all necessary subpoenas for such slave, as well as for the State, to compel the attendance of witnesses, and shall charge the usual fees, to be paid by the county.

Clerks of
c'ty courts
to attend
courts of
Oyer and

Terminar.

Sec. 3. And be it further enacted, That so much of an act, passed at Cahawba on the fourteenth day of June last, to repeal in part and amend an act, entitled an act, to regulate the proceedings in the courts of law and equity in this State, as makes it the duty of the Judge of the county court to appoint certain days, not less than one in every period of two weeks, for the return of process, be and the same is hereby repealed.

Repeal.

Sec. 4. And be it further enacted, That hereafter it shall be the duty of the Judge to appoint not less than one day in every period of each month for the return process, as heretofore.

Return of
process to
be made

once a mo.

Sec. 5. And be it further enacted, That when any vacancy happens by resignation or otherwise in any office, the appointment of which is vested in the county court, it shall be lawful for the Judge of said court, and the commissioners of roads and revenue to make the appointment between the terms of court; and the appointment shall be as valid as if made at the regular term.

Judge and
com'rs to
make ap-
pointments
betw'n the
terms of
court.

Sec. 6. And be it further enacted, That in all appeals taken from a Justice of the Peace when it shall be made to appear to the court, that the appeal was taken merely for delay, the court shall award fifteen per cent. damages: Provided nevertheless, that this act shall not apply to cases in which appeals shall have been granted previous to the passage of this act.

Court may
award 15
per cent.
damages in
cer. cases.

Sec. 7. And be it further enacted, That this act shall be in force from and after the first day of March next.

(Approved, December 13, 1821.)

AN ACT

Prescribing the mode by which a Jury shall be drawn for the first Circuit court for Pickens county.

Preamble.

Whereas, it has been represented to this General Assembly, that for the want of organization in the county of Pickens, there has been no Jury as yet drawn, by which a Circuit Court could be holden: Therefore,

Sheriff to ascertain names of resident citizens. Return list to clerk.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be the duty of the Sheriff of the said county, to ascertain by the best possible means, the names of resident citizens therein, a list of whom he shall return to the office of the clerk of his Circuit Court: And from his list they shall proceed to draw a Jury, pursuant to the existing laws, under the superintendence of the Judge of the county court, or some Justice of the Peace for the said county. And the persons so drawn and duly summoned shall be a lawful Jury for the first term of the said court, and in every respect be subject to the same rules and regulations as are otherwise provided.

(Approved, December 15, 1821.)

 AN ACT

Permanently to fix the seat of Justice for the counties of Tuskaloosa and Perry.

Commissioners to be elected for Tuskaloosa Co.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That an election shall be held in the county aforesaid, on the first Monday of February next, at the places by law appointed for holding the general elections therein for the purpose of electing five commissioners; which election shall, by the proper officer, be conducted strictly pursuant to the election laws now in force in this State.

-----to fix on site for the public buildings.

Sec. 2. And be it further enacted, That the said commissioners, or a majority of them shall have full power to fix on the site for the public buildings in said county, to contract for the site aforesaid, and for erecting the necessary buildings, and in discharge of these duties, they shall be governed by justice, and the interest of the county so as to render taxation on the county aforesaid unnecessary, or light as possible. They shall have power to receive a good and sufficient title in fee simple, for the site thus selected in behalf of the county, and to make contracts for the buildings aforesaid, and make report thereof to the clerk's office of the County Court of Tuskaloosa, to be there recorded : and the site thus selected shall be the place of the permanent seat of Justice for the county aforesaid.

----to receive title for the site and contract for buildings.

Sec. 3. And be it further enacted, That the commissioners aforesaid shall give notice in the "American Mirror"

of the time and place of their meeting to carry into effect the provisions of this Act, at least thirty days before such meeting, at which time they shall take and subscribe the following oath: "I _____ do solemnly swear (or affirm as the case may be,) that I will select, and finally fix on the site for the public buildings for the county of Tuskaloosa, pursuant to the provisions of this act, according to my best judgment, without favour, fear, or partiality, or any other consideration whatsoever, other than the common good, and equal rights and interests of the said county generally.--- So help me God."

Sec. 4. And be it further enacted, That until such permanent seat of Justice shall by the commissioners be declared to be in readiness for the accommodation of the courts to be held in Tuskaloosa, the courts of the county aforesaid shall have power, and are hereby authorised, to procure some place for the temporary seat of Justice in the town of Tuskaloosa, so as to comport with the best interest of the county aforesaid.

Sec. 5. And be it further enacted, That in discharge of the duties herein assigned, the commissioners shall receive such compensation as may be deemed equitable and right by the County Court of the said county.

Sec. 6. And be it further enacted, That thee shall be elected seven commissioners in the county of Perry on the first Monday of February next, by the qualified electors of said county, whose duty it shall be, and who are hereby authorised and required to meet at the seat of Justice on the first Monday of March after said election, and fix the permanent seat of Justice for said county.

Sec. 7. And be it further enacted, That a majority of said commissioners, who do meet on the day appointed, shall have power to fix on said site; but if the said commissioners who do meet be equally divided, then the Judge of the County Court shall have the power to fix the seat of Justice.

Sec. 8. And be it further enacted, That the sheriff of said county shall give the same notice, and be required to hold the said election pursuant to the first section of this act.

Sec. 9. And be it further enacted, That the commissioners elected for the county of Perry before they act shall take the same oath as is required to be taken by the commissioners of the county of Tuskaloosa.

Sec. 10. And be it further enacted, That the commissioners shall receive the same compensation as is provided by the fifth section of this act.

Sec. 11. And be it further enacted, That this act shall commence and be in force from and after the passage thereof.

[Approved, Nov. 27, 1821.]

Commis'rs
to take as
Oath.
Form of
Oath.

Tempora-
ry seat of
Justice of
Tuskaloosa.

Commis'rs
compensa-
tion.

----to be
elected for
Perry Co.

-----to fix
on a site.

Sheriff to
give notice
and hold
election.
Commis. to
make Oath.

----to re-
ceive com-
pensation.

AN ACT

Supplementary to an Act entitled "An act to suppress Duelling," passed on the 17th December, 1819.

Members
of General
Assembly,
offices of
gover'm't
&c. to take
as oath.

Forms of
oath.

Persons
coming in-
to this state
to take an
oath before
entering on
any public
function.
Form of
oath.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That all members of the General assembly hereafter to be elected, and all officers and public functionaries hereafter elected or appointed under the authority of the constitution and laws of this State, and counselors and attorneys at law, shall before they enter upon the discharge of the duties of their stations or offices, either civil, military, or otherwise, take and subscribe one of the following oaths as the case may be (in addition to the oath prescribed by the constitution) before any Judge of the Circuit or County Courts or any Justice of the Peace, who shall deliver such oath to the Clerk of the Circuit Court for safe keeping: "I _____ do solemnly swear (or affirm as the case may be) that I have neither directly or indirectly given, accepted, or knowingly carried a challenge in writing or otherwise to any person or persons (being a citizen of this State) to fight a single combat or otherwise with any deadly weapon either in or out of this State or aided or abetted in the same, since the first day of January, one thousand eight hundred and twenty-one; and that I will neither directly or indirectly give, accept, or knowingly carry a challenge in any manner whatsoever to any person or persons (being a citizen of this State,) to fight in single combat or otherwise with any deadly weapon, in or out of the State or in any manner whatsoever aid or abet the same, during the time for which I am elected, or during my continuance in office, or during my continuance in the discharge of any public function."

Sec. 2. And be it further enacted, That any person or persons who has or have emigrated to this State, since the first day of January, one thousand eight hundred and twenty-one, or who may hereafter become a citizen of this State, shall before he enters upon the discharge of any public function, take and subscribe the following oath: "I _____ do solemnly swear (or affirm, as the case may be,) that I have neither directly or indirectly given, accepted, or knowingly carried a challenge, in writing or otherwise, to any person or persons (being a citizen or citizens of this State) to fight in single combat otherwise with any deadly weapon, either in or out of the State, or aided or abetted in the same, since I have been a citizen thereof; and that I will neither directly or indirectly give, accept or knowingly carry a challenge, in any manner whatsoever, to any person or persons (being a citizen or citizens of this State,) to fight in sin-

gle combat or otherwise with any deadly weapon, in or out of the State, or in any manner whatsoever and aid or abet the same, during the time for which I am elected, or during my continuance in office, or during my continuance in the discharge of any public function."

Sec. 3. And be it further enacted, That all acts or parts of acts, coming within the meaning or purview for this act, be and the same are hereby, repealed.

[Approved, Dec. 6, 1821.]

AN ACT

To amend an Act giving jurisdiction to certain counties therein named, over that part of the Cherokee lands lying within the limits of the State of Alabama.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Circuit Court of Jackson shall have jurisdiction, and the county shall embrace all that tract of country lying west of Wills-town valley, and east of the road leading from Ditto's landing on Tennessee river to Blountsville.

Sec. 2. And be it further enacted, That all Acts and parts of Acts coming within the purview of this Act, are hereby repealed.

[Approved, Nov. 27, 1821.]

AN ACT

To provide for transcribing and transferring certain Records from Mobile to Baldwin county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall be lawful for the clerk of the county court for Baldwin county, and he is hereby required to transcribe all the deeds of land lying within the present limits of said county, which have been entered upon the records of Mobile county, and deposit the same in his office in said Baldwin county, as soon as may be, after the passage of this act.

Clerk of
Baldwin to
transcribe
records
from Mo-
bile.

Sec. 2. And be it further enacted, That when the records shall be copied as aforesaid, it shall be the duty of the clerks of both Baldwin and Mobile counties, to compare said copies, with the original records, and jointly certify the correctness of the same; which shall thereafter have the same validity and effect in law and equity, as the original records.

Clerks of
Mobile and
Baldwin to
compare
records.

Sec. 3. And be it further enacted, That it shall be lawful for the clerk of the county court of Baldwin county, and he is hereby required, to take from the records of Mobile county, the original plat of the town of Blakeley, and transfer the same into the book containing the copies of

Clerk of
Baldwin to
take from
records
Plat of

the records aforesaid; and the said plat so transferred shall thereafter have the same force and effect in law and equity as if the same had remained on record in Mobile county.

Fees.

Sec. 4. And be it further enacted, That the clerk of the county court of Baldwin county, shall be entitled to the same fees for transcribing said records, as are allowed as present for recording deeds; to be paid by the county Treasurer of Baldwin county, on the certificate of the Judge of the county court, that this act has been compiled with by said clerk of Baldwin county, and that his compensation for services rendered is allowed.

(Approved, December 12, 1821.)

AN ACT

In relation to the Spanish records in the County of Mobile.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Samuel H. Garrow, Samuel Acre, and Henry V.

Com'rs appointed to inquire for certain records.

Chamberlain be, and they are hereby appointed commissioners, who, or a majority of whom having been sworn duty to execute the duties of the office, shall be authorised to make diligent inquiry as to the disposition of certain Spanish records, which were in the possession of Colonel Thomas Powell at the time of his death, and which had been intrusted to his charge as a public officer under this government: And whereas it represented to this General Assembly, that many of the said records have been lost or se- creted, the said commissioners or a majority of them, are

To search for records as in case of stolen Goods.

hereby authorised to proceed in making search for the same proper oath having been previously make, to authorise said search, in every instance, as is required by law in the case of goods and chattels lost and supposed to have been stolen, and to take possession thereof accordingly.

Co'y Court of Mobile to compensate Commissioners.

Sec. 2. And be it further enacted, That it shall be the duty of said commissioners to make report of their proceedings to the next General Assembly, and also report to the County Court of Mobile county an account of their proceedings together with the expenses incurred in the discharge of the duties impose upon them by this Act. And the same, after presentation to the said court, shall be paid to them out of the treasury of said county, after allowance by said court; in which allowance shall be included reasonable compensation, for the services performed by said commissioners.

[Approved, Dec. 12, 1821.]

AN ACT

To provide for digesting the laws of the State of Alabama.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly con

vened, That there shall be elected by the joint vote of both Houses of the General Assembly, a suitable person whose duty it shall be, to compile under one head, all the statute have now in force in the State of Alabama, relating to each particular subject.

Assembly
to elect a
Digester.

Sec. 2. And be it further enacted, That the said digester shall lay before the next Legislature on the first day of its session a manuscript of the digest of laws made as aforesaid; who shall have power to decide on the correctness of the same. And if it appear to the Legislature, that said digest is correctly executed, and contains all the statute laws of force in this State, the said digester shall receive such compensation as the Legislature may allow.

His duty.

[Approved, Nov. 28, 1821.]

AN ACT

Respecting rents.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the crop grown on any rented land in this State shall not be liable to be taken by virtue of any execution, or removed off the premises of any such rented land unless the party so taking the same shall, before the removal of the crop from off such premises, pay all money due for the rent of or lessor thereof, or his agent, all money due for the rent of the said premises at the time of taking such crop in execution: Provided nevertheless, That such rent, or arrears do not amount to more than one year's rent, and if more be due, then the part suing out such execution paying or tendering to such landlord, or his agent one year's rent, may proceed to execute his judgment, and the sheriff or officer levying the same is hereby empowered and required to levy and pay to the plaintiff, as well the money so paid for the rent, as the execution money.

Crop notice
be taken by
exec'n un-
til the les-
sor be paid.

Proviso.

Sec. 2. And be it further enacted, That all laws on the subject of rents heretofore in force in this State, so far as the same may conflict with the provisions of this Act, be, and the same are hereby repealed.

Repeal.

[Approved, Dec. 12, 1821.]

AN ACT

To prevent Sheriffs and other officers, levying executions in certain cases.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That from and after the passage of this Act it shall not be lawful for any sheriff or other officer, to levy a writ of fieri facias or other execution on the planted crop of a debtor or person against whom an execution may issue, until the crop is gathered.

[Approved Nov. 27, 1821.]

AN ACT

Supplementary to an Act entitled an Act for the relief of securities.

SEC. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That in all cases where judgment hath been, or shall be hereafter entered up in any courts of record, or by any Justice of the Peace, within this State, against any person or persons, as security or securities, their executors or administrators, upon any note, bill, bond or obligation,

Judgment
to be ob-
tained a-
gainst prin-
cipal by
motion.

and in all cases where execution hath been, or shall hereafter be awarded by or issued from any of the courts of record, or any Justice of the Peace, within this State, against any person or persons as security or securities, his, her or their heirs, executors, or administrators, upon any bond, obligation, or recognizance, and the amount of such judgment or obligation, or any part thereof, hath been paid or discharged, by such security or securities, his, her or their heirs, executors, or administrators it shall and may be lawful for such security or securities, his, her, or their heirs, executors, or administrators, to obtain judgment by motion against such principal obligor or obligors, recognizor or recognizers, his, her or their heirs, executors, or administrators in any court, or before any Justice of the Peace, where such judgment may have been entered up, and execution awarded against such security or securities, his, her, or their heirs, executors, or administrators, for the full amount which shall have been paid with interest thereon, from the time the same shall have been paid and satisfied, until such judgment shall be discharged.

Interest al-
lowed.

Sec. 2. And be it further enacted, That when the principal obligor or obligors, recognizor or recognizers, have, or shall hereafter become insolvent, and there have been or shall be two or more securities, jointly bound with the said principal obligor or obligors, recognizor or recognizers, in any bonds, bill, note, recognizance, or other obligation, for the payment of money or other thing, and judgment hath been or shall hereafter be obtained, and execution awarded and issued against one or more of such securities, or his or their legal representatives, it shall and may be lawful for the court or Justice of the Peace, before whom judgment and execution were or shall be obtained, upon motion of the party or parties, his or their legal representatives, against whom judgment hath been entered up, and execution awarded and issued, as securities aforesaid to grant judgment and award execution, against all and every of the obligors and recognizers, and their legal representatives, for their, and each of their respective shares and proportions of the said debt or damages.

Debt paid
by securi-
ties equal-
ly.

Sec. 3. And be it further enacted, That no security or securities, his, her, or their executors, or administrators, shall be suffered to confess judgment, or to suffer judgment to go by default, so as to distress his, her, or their principal or principals if such principal or principals will enter him her, or themselves as defendant or defendants to the suit and tender to the said security or securities, his, her, or their executors or administrators other good and sufficient collateral security to be approved of by the court before whom the suit shall be depending.

Sec. 4. And be it further enacted, That in all cases where judgment hath been, or shall hereafter be entered up, in any of the courts of record or by any Justice of the Peace of this State, against any person as common bail for the appearance of another, to defend any suit depending in such court, and the amount of such judgment or any part thereof hath been paid or discharged by such common bail, his her, or their heirs, executors, or administrators, it shall and may be lawful for such common bail, his, her, or their heirs, executors, or administrators, to obtain judgment by motion against the person or persons for whose appearance they were bound, his, her, or their heirs, executors, or administrators, for the full amount of what shall have been paid by the said common bail, his, her, or their heirs, executors, or administrators, in any court, or before any Justice of the Peace, where judgment may have been entered up, against such common bail: Provided always, That no judgment shall be obtained on motion as aforesaid, unless the party or parties against whom the same is prayed, shall have at least ten days notice previous thereof; And provided also, That in all cases no judgment shall be entered up, on motion as aforesaid, when the amount exceeds fifty dollars, unless by a lawful jury it shall be so awarded.

Sec. 5. And be it further enacted, That when any person shall hereafter become bound as security or securities, by bond, bill or note, for the payment of money or any other article, and shall apprehend that his or their principal or principals is or are likely to become insolvent, or to migrate from this State without previously discharging any such bond, bill, or note it shall and may be lawful for such security or securities in every such case, (provided an action, shall have accrued on such bond, bill, or note,) to require, by notice in writing of his or their creditor or creditors, forthwith to put the bond, bill, or note, by which he or they may be bound as security or securities as aforesaid in suit; and unless the creditor or creditors so required to put such bond, bill, or note in suit, shall in a reasonable time commence an action on such bond, bill, or note, and proceed

Securities
not to con-
fess judg-
ment, or
suffer it to
go by de-

Common
bail, liable
for defend
ant, may
have judg-
ment by
motion.

Defen't to
have 10 d's
notice.

Securities
may cause
Land to be
put in such
in certain
cases.

If not done
Securities
exonerat-
ed.

with due diligence in the ordinary course of law, to recover judgment for, and by execution to make the amount due by such bond, bill, or note as the creditor or creditors, so failing to comply with the requisition of such security or securities, shall thereby forfeit the right which he or they would otherwise have to demand and receive of such security or securities the amount which may be due by such bond, bill, or note.

Benefit
the act ex-
tended to
adm'rs, &c

Sec. 6. And be it further enacted, That any security or securities, or in case of his or their death then his or their executors or administrators, may in like manner, and for the same cause make such requisition of the executors or administrators of the creditor or creditors; and in case of the failure of the executors or administrators to proceed, such requisitions as aforesaid being duly made, the security or securities, his, her or their executors or administrators making the same, shall have the same relief that is hereinbefore provided for a security or securities, where his, or their creditor or creditors shall be guilty of a similar failure:

Not to af-
fect bonds
with colla-
teral con-
ditions, &c.

Provided always, That nothing in the two last sections contained, shall be so construed as to affect bonds with collateral conditions, or the bonds that may be entered into by guardians, executors, administrators, or public officers: And provided also, That the rights and remedies of any creditor or creditors against any principal debtor or debtors, shall be in no wise affected thereby, any thing to the contrary, or seeming to the contrary, notwithstanding.

Sec. 7. And be it further enacted, That all acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed and that this act shall commence, and be in force from and after the first day of March, one thousand eight hundred and twenty-two.

[Approved, Dec. 15, 1821.]

AN ACT

Concerning Writs and Executions.

Sheriff to
ret'n writs
and exe'ns
3 days be-
fore 1st day
of the term

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That it shall be the duty of the sheriffs in the several counties in this State, to return all writs and executions to the clerk's office from which they shall issue, at least

three days previously to the term of the court to which they shall be returnable; and, that if any sheriff shall fail to return any writ or execution, according to the provisions of this act, he shall be liable to all the penalties provided by the laws now in force, for failing to return any writ or execution to the first day of the term of the court to which they are returnable.

Sec. 2. And be it further enacted, That the judges of

the Circuit Courts, respectively, shall have power and authority in vacation, to supersede any execution when it shall satisfactorily appear to them, or any of them, that the same shall have improperly issued from the clerk's office of any of the Circuit Courts in this State.

[Approved, Dec. 17, 1821.]

Judges
may grant
a superse-
deas.

AN ACT

To abolish the fictitious proceedings in ejectment, and for other purposes therein mentioned.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the fictitious proceedings in the action of ejectment, be and the same are hereby abolished; and that hereafter the mode of trying the right and title to lands, tenements, or hereditaments shall be by the action of trespass, in which the plaintiff shall endorse on his writ and copy-writ, that the action is brought as well to try titles as to recover damages.

Abolished.
Titles tri-
ed by ac-
tion or tres-
pass.

Sec. 2. And be it further enacted, That the laws now in force in relation to the action of ejectment except as far as related to fictitious proceedings therein, shall be applied to the action of trespass to try titles as aforesaid.

Sec. 3. And be it further enacted, That if the plaintiff in the aforesaid action of trespass recovers, he shall be entitled to an execution for possession, as well as for costs and damages.

Plaintiff's
recovering
to have ex-
ecution for
costs, &c.

Sec. 4. And be it further enacted, That it shall not be necessary to file the original note, bond, or paper sued on with the clerk, but that a copy thereof shall be sufficient.

(Approved, December 17, 1821.)

AN ACT

In relation to the Banking Institutions in this State.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That from and after the fifteenth day of February, one thousand eight hundred and twenty two, no bill or note of any Bank whatsoever, shall be receivable at the Treasury of this State in payment of taxed, nor be receivable in payment of fines and forfeitures, which may accrue to the State or to the counties respectively; unless at the time of making such payments the Bank whose bills or notes are so offered in payment, is in the regular course of redeeming its notes and bills with specie, according to their nominal value.

Bank notes
when not
receiv'ble.

Sec. 2. And be it further enacted, That the bearer of any bill or note issued by any incorporated Bank within this State may at any time present such bill or note at such Bank for payment; and in case of failure or refusal to

How pre-
sented.

make payment, according to the tenor and effect of said bill or note, it shall be lawful for such bearer, by himself, his agent, or attorney, to move the Circuit or county court, of the county where such Bank is situated, for judgment against said Bank; whereupon, the said court shall without delay render judgment and award execution for the amount expressed in said bill or bills, note or notes, with legal interest from the time of the demand of payment, and until finally paid, or the amount of such judgment be made by due course of law, and costs of suit: Provided, that notice of such intended motion be served on the President or

Proviso.

Notices.
how serv'd.

Holders of
notes to
prove, &c.

Banks may
defend.

Cause how
det'rmind.

Cashier, or person acting as Cashier, of said Bank, ten days previous to the hearing of said motion, which notice shall be served by the Sheriff of the county, who shall make a regular return of the same; and provided, that the plaintiff prove such presentment of the bill or note, and the failure or refusal of payment, or in lieu of such testimony produce the protest of a notary public showing these facts: and provided also, that if the said Bank may wish to make defence and contest the plaintiff's motion, the court shall instantly impanel a Jury to try the issue, and therein give judgment accordingly. All motions under this act shall be tried the first term, having preference of all other causes.

when Gov.
may direct
Solicitor
to proceed
on Quo
warranto.

Sec. 3. And be it further enacted, That if any incorporated Bank within this State, shall not at the expiration of six months after the passage of this act, make regular specie payments for any of the bills or notes it may have issued, the Governor of the State shall give information of the fact to the Solicitor of the circuit in which the Bank may be situated, directing him, forthwith, to proceed against the said Bank on a writ of quo warranto, requiring it to show cause why its corporate powers, privileges, and immunities, should not be adjudged to be forfeited, and the said Bank dissolved. And that the court determining the case shall have power to adjudge and decree concerning the same, according to law and usage; and to declare the charter of such Bank forfeited; and also to make such orders

Delin'qnt
banks, ef-
fects how
disposed of.

consequent thereupon, in relation to the estate and effects, rights, and credits, of such Bank, as shall secure the rights of all concerned. And that the Governor associated with the Solicitor, such other counsel as he may deem proper.

Repeal.

Sec. 4. And be it further enacted, That that all acts and laws repugnant to this act be, and the same are hereby, repealed. (Approved, December 17, 1821.)

AN ACT

For the punishment of malicious mischief.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly

convened, That from and after the passage of this act, any person or persons who shall unlawfully, wilfully, maliciously and secretly kill, wound, or disable, any horse, mare or gelding, colt or filly, jack, urney, or mule, or any goat, sheep, or cattle, or any hog, or live stock of any kind of description whatsoever, belonging to any other person or persons, or shall unlawfully, wilfully, maliciously, and secretly, burn or otherwise destroy, any ricks or stacks of hay, fodder or grain in the sheaf, or shall unlawfully, wilfully, maliciously, and secretly destroy or injure so that the same shall be unfit for use any cotton, corn or other article or commodity of value, or any goods, wares, or merchandize, or any timbers or frame prepared for building belonging to any other person or persons, or shall unlawfully, wilfully, maliciously and secretly, break, throw down, destroy any fence or inclosure, or break, cut, or carry away from its mooring or landing, or destroy any flat, boat, or other water craft, belonging to any other person or persons, every person or persons so offending shall on conviction of any of the aforesaid offences, by sufficient and satisfactory testimony in any circuit court having jurisdiction of the same, be fined in such sum as the jury trying the case may assess, not exceeding fourfold the value of the property injured or destroyed; which fine shall be paid as a recompense to the party aggrieved.

(Approved, December 17, 1821.)

AN ACT

Concerning Jurors, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That hereafter it shall be lawful for any defaulting juror on a scire facias, make known to him, to make his excuse, on oath in writing, at the return term of said scire facias, on any day of the term, and if it shall appear to the court a sufficient excuse is rendered, the defaulting juror shall be discharged without payment of costs.

Sec. 2. And be it further enacted, That nothing in this act shall be so construed as to prevent any defaulting juror from giving testimony viva voce in open court, touching his excuse or non-attendance.

(Approved, December, 17, 1821.)

AN ACT

Prescribing the manner of changing the Venue in Criminal cases, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this act, it

Offences
enumerated.

Persons
convicted
fined.

Defaulting
jurors may
excuse on
oath, in
writing.

Change of
venue may
be grant'd.

Proviso.

Judge may
grant con-
tinuance.

Persons
exhibiting
3 ticket
lottery.

How pun-
ished.

Fined.

Proviso.

Penalties
for similar
offences.

shall be lawful for the Judges of the Circuit Courts, repec-
tively, to grant to any person charged with a criminal of-
fence, a change of venue for sufficient cause shown at any
time, either at the first trial term, or if the case should be
continued, or a new trial had after conviction, at any subse-
quent term; Provided, that no change of venue shall be
allowed more than once.

Sec. 2. And be it further enacted, That it shall be in
issues made up for the purpose of trying the right to any
property taken in execution, for the Judge trying such case
to grant continuances upon good cause shown, as in other
cases, any law to the contrary notwithstanding.

Sec. 3. And be it further enacted, That if any person
shall be guilty of exhibiting the three ticket lottery, or
shall be guilty of playing at the game called the three ticked
lottery, or the game called three thimbles, every such person
shall, on conviction of such offence, be sentenced to stand
in the pillory on three several days for the space of one
hour each day, and shall forfeit and pay to the State a sum
not less than five hundred nor more than two thousand dol-
lars, to be assessed by the jury who tries the cause; Provid-
ed, that the provisions of this act shall only embrace the
holder or exhibitor of such game or lottery, and shall not
extend to persons who may casually bet at said game or lot-
tery.

Sec. 4. And be it further enacted, That if any person
should exhibit any lottery or game similar to those specified
in the third section of this act, wherein a greater or less
number of thimbles or cups than three are used such per-
son shall be liable to the same penalties and forfeitures, to
be ascertained in the same way as is prescribed in the said
third section.

Sec. 5. And be it further enacted, That this act shall
commence and take effect from and after the first day of
January, one thousand eight hundred and twenty-two.

(Approved, December 18, 1821.)

AN ACT

To amend the law regulating proceedings upon the claims of property
under execution.

Section 1. Be it enacted by the Senate and House of Repre-
sentatives of the State of Alabama in General Assembly convened,
That in all trials of the right of property that may hereaf-
ter arise, in consequence of any sheriff having levied exe-
cution on property claimed by any person not a party to
such execution, that the burden of proof shall be, and the
same is hereby, placed upon the plaintiff in the execution
as heretofore.

Burden of
proof plac-
ed on plain
tiff.

Sec. 2. And be it further enacted, That in all trials of the right of property as aforesaid, when the Jury may be of opinion that the claim was made to said property for purposes of vexation or delay, they shall have power to give such damages as the case may require, not exceeding fifteen per cent, on the amount of the execution.

Jury may
assess dam-
ages.

Sec. 3. And be it further enacted, That the fourth section of an act, "entitled an act concerning executions and sales by sheriff's and for other purposes," passed at Cahawba on the twentieth day of December, one thousand eight hundred and twenty, be and the same is hereby, repealed.

Repeat.

Sec. 4. And be it further enacted, That whenever any claim to property shall be hereafter made, the same shall not be dismissed, discontinued or withdrawn, but by the consent of the opposite party.

Claim not
dismissed
but by con-
sent of op-
posite par-
ty.

Sec. 5. And be it further enacted, That all acts and parts of acts, contrary to the provisions of this, be and the same are hereby, repealed.

Repealed.

(Approved, December 19, 1821.)

AN ACT

To amend and repeal a part of the second section of an act to authorise the Governor to dispose of the public arms of this State, passed on the seventh day of December, 1820.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That whenever it is deemed necessary by the Governor to transmit the public arms, in pursuance of the provisions of the act to which this is an amendment, the Governor for the time being, shall be, and he is hereby, authorized to send them to such officer as he may appoint; which officer so receiving such arms, shall give bond and sufficient security to the Governor or his successors in office, in such sum as the Governor requiring the bond, may deem sufficient, for the safe keeping and delivery of said arms, when required by the Governor.

Gov. may
transmit
pub. arms.

Officer to
whom
transmit'd
to give
bond, &c.

(Approved, November, 23, 1821.)

AN ACT

To repeal in part and amend the forty-third section of an act to organize the militia of this State, passed 20th December, 1820.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That so much of the forty third section of an act to organize the militia of this State, passed at Cahawba December twentieth, one thousand eight hundred and twenty, as requires writs of election for company officers to issue to the Sheriff be, and the same is hereby, repealed, and in the future, all elections for company officers, the officer

Company
officers
how elect-
ed.

Command
ing offic'rs
to make re-

cause of
vacancy to
be setforth.

whose duty it shall be to order the same, shall appoint the place for holding said election within the company district at the muster ground, where such vacancy may be, giving at least fifteen days notice thereof, and appoint a superintendent of the same who shall make a correct return of the poll of said election to the commanding officer of the regiment; a statement of which to be by him transmitted to the executive office.

Sec. 2. And be it further enacted, That in all election returns hereafter to be made to the Secretary's office for the purpose of obtaining commissions, the return shall set forth the cause of vacancy, whether by death, resignation, or removal, or whether it be for the purpose of officering a new raised corps.

[Approved, December 18, 1821.]

AN ACT

To establish a road therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Johnson M'Kinney, Jacob Sutton, James Harney, John Beetcham, and William Warren, be, and they are hereby, appointed commissioners to view and mark out a road, leading from Sutton's Gap, near Moulton, to intersect Byler's road at or near the sixty-six mile-tree from Tennessee river, and that they with their associates are authorized, to open said road by voluntary subscription.

Sec. 2. And be it further enacted, That when the above road shall be opened, it shall be the duty of the above commissioners, to report their proceedings to the county courts of Lawrence and Marion counties; and that the above road shall afterwards be considered a public highway, and that any person who shall fence up, fell trees, or otherwise obstruct the same, shall be subject to all fines, forfeitures, and penalties, as are made and provided for by the laws of this State.

[Approved, Nov. 27, 1821.]

AN ACT

To appoint Commissioners to lay out certain roads therein specified, and for other purposes.

Commis-
sioners ap-
pointed.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Amos Rawlins, Thompson Coker, Thomas Roland, Jack Shackelford, and George Phillips, or a majority of them, he, and they are hereby appointed commissioners, to view, and mark out a way for a road, to commence at some point on Tennessee river in Morgan county where they may best judge, to run from thence on the best nearest and most direct route on the eastside of Cahawba river the

Route of
road.

nature of the country will admit of, to the town of Cahawba.

Sec. 2. And be it further enacted, That David M'Cord, Jesse Beene, Alexander Travis, and Joseph Pickens, or a majority of them, he, and they are hereby, appointed commissioners, to view and mark out a way for a road, to commence at the town of Cahawba, to run from thence on the best, nearest, and most direct route, the nature of the country will admit of, to the town of Pensacola.

Commissioners appointed.

Route of road.

Sec. 3. And be it further enacted, That James Magoffin, Samuel Dale, Josiah Thompson, and Jesse Thompson, or a majority of them, he, and they are hereby, appointed commissioners, to view and mark out a way for a road, to commence at the town of Tuskaloosa, to run from thence on the best, nearest, and most direct route, the nature of the country will admit of by the town of Claiborne, to the towns of Pensacola and Blakeley.

Commissioners appointed.

Route of road.

Sec. 4. And be it further enacted, That Samuel Dale, James Magolia, Garland Hardwick and Benjamin Coleman, or a majority of them, be, and they are hereby, appointed commissioners, to view and mark out a way for a road, to commence at the most convenient point they may judge fit, on the way that shall be marked by the commissioners appointed under the third section of this act, between the towns of Tuskaloosa and Claiborne, running from said road, the best, nearest and most direct route, the nature of the country will admit of, to the town of Mobile.

Commissioners appointed.

Route of road.

Sec. 5. And be it further enacted, That before the said commissioners enter on the duties herein assigned them, they shall take and subscribe to the following oath, to wit: "I _____ will truly and faithfully, to the best of my judgment and knowledge, view, mark out and report, the best and most direct way for a road to lead from _____ to _____, in conformity to the Act, under which I am commissioned---So help me God." Which certificate of oath shall be transmitted by the Judge or Justice of the Peace, administering the same, to the Clerk of the Superior Court of said county for safe keeping.—And it shall be the duty of said commissioners, after completing the said view, to make out a report of the same, together with such observations respecting the hills, water courses, and other obstructions, on the route they shall have marked off, together with their opinion as to the expense attending on, and the best mode of clearing and opening said road; which report they shall transmit to the Governor for his approval, and to act on as hereinafter requested.

Oath to be taken.

To be transmitted to Clerk of Court.

Duty of Commissioners.
Report to Governor.

Sec. 6. And be it further enacted, That if any vacancy shall take place by decease or refusal to act by those herein appointed such vacancy shall be filled by the Governor.

Vacancy, how filled.

Sec. 7. And be it further enacted, That when the commis-
Commissioners du-
ty.

sioners, in marking off the way, run on a road now used, they shall report the same, as far as such road runs on the route they may determine to mark off, describing the situation of such road, and if on a turnpike, to report the distance it will go on said turnpike, together with the rates of tollage collected on that part.

Compensation.

Sec. 8. And be it further enacted, That the commissioners shall receive as compensation for their services, on making such view and report, two dollars per day.

Governor
to transmit
account of,
report to
County C't
Judge.

Sec. 9. And be it further enacted, That as soon as the report is made by the commissioners, and received and approved of by the Governor, he shall transmit an account of

the same to the Judges of the County Courts of the counties through which said road shall pass. And it shall be the duty of said Judges as soon after as possible to lay off said road into precincts, and appoint apportioners to apportion hands to open and clear out said road; and all persons living in five miles of the same, liable, bylaw, to work on roads, shall be apportioned to work on said road.

His duty
thereon.

Who to
work on
road.

[Approved, Dec. 17, 1821.]

AN ACT

To repeal in part and amend an Act entitled "An Act to repeal in part and amend an Act, entitled an Act to regulate the proceedings in the Courts of Law and Equity in this State," passed the fourteenth day of June last.

County
Courts
when held.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the first Mondays in February, May, August, and December, in every year, the Judges of the several County Courts in this State, together with the commissioners of revenue and roads, of their respective counties, or with any two of them, shall hold a court for the purposes as prescribed in the twenty eighth section of the Act, to which this Act is intended as an amendment, and the said Judge and commissioners shall continue in session, until the business is completed: Provided nevertheless, If said commissioners shall fail to attend on, or before the third day of said term, the Judge of said County shall proceed to levy the tax and appoint the officers required by law.

Judge may
do business
if commis-
sioners do
not attend.
Repeal.

Sec. 2. And be it further enacted, That the twenty-ninth section of the Act, to which this is intended as an amendment, be, and the same is hereby repealed.

County
Court to
have con-
trol over
County
funds.

Sec. 3. And be it further enacted, That the Judges of the County Courts, together with the commissioners aforesaid, or a majority of them, shall have control over the funds in the county treasury, and they or a majority of them shall have power to make appropriations for defraying expenses incurred for county purposes: Provide, nothing herein

contained shall be so construed, as to authorise to said courts to do any other than county business at the several terms provided to be holden by this act.

Sec. 4. And be it further enacted, That the County Court of Mobile county shall have and exercise original jurisdiction in all cases of assault and battery, affrays, breaches of the peace, and of petit and grand larceny, reserving however, to the accused or defendant, in all cases, the right of appeal to the Circuit Court of Mobile county; and in case of the conviction of the person accused before the County Court of Mobile county, should an appeal be granted by the said County Court, or should the Judge of the said County Court, in any case coming within the provisions of this section, doubt as to the rule of legal decision on any point, which may be presented during the investigation of any such case, the sentence of the said court shall be respected, until the decision of the said Circuit Court be had, touching such appeal, or touching the points upon which the Judge of the said County Court may doubt; which Circuit Court at its first term thereafter, shall determine the same, and such decision shall, in all cases, be final and conclusive between the State and the accused.

Sec. 5. And be it further enacted, That until such appeal, or until the points reserved by the said County Court be determined the person accused or convicted may be discharged from imprisonment: Provided, That such person shall first enter into bond with good and sufficient security, payable to the State of Alabama, and conditioned for the personal appearance of such accused or convicted person at the time specified by the said court, or by the Judge of the said County Court in vacation, which time shall be particularly set forth in the said bond, and in case of the breach of the condition of any bond, taken in pursuance of the provisions of this act, such bond shall be prosecuted to judgment and execution, in the same manner that recognizances taken in favour of the State, are now prosecuted.

Sec. 6. And be it further enacted, That all juries to serve in the said County Court, on the trial of the offences enumerated in this act, may be drawn from persons residing within the corporate limits of the City of Mobile, and within ten miles thereof. (Approved, Dec. 17, 1821.)

AN ACT

To alter and amend the Militia Laws of this State.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this Act, the county of Wilcox shall compose one regiment to be

Jurisdiction of
County
Court of
Mobile extended in
certain cases.

Judge
doubting.

Sentence
may be respected.

Person
accused or
convicted,
may be dis-

Accused
to enter into
bond.
Mode of
proceeding
in case of
breach of
bond.

Jury.

known and numbered as the thirty-sixth regiment of the Militia of the State of Alabama.

Brigadier
Gen. of 7th
Brig. au-
thorized to
hold elec-
tions.

Duty of
Cols.

Franklin
Regt. divi-
ded.

19 Regt.
divided.

6 Regt.
divided.

21 Regt.
divided.

Brigadier
Gen. of 7th
Brigade to
hold elec-
tions.

Colonel
of 24th reg
to hold e-
lections.

Sec. 2. And be it further enacted, That the Brigadier General of the seventh brigade of the Militia of this State, be, and he is hereby authorised and required, to hold or cause to be held, and election for a Colonel of said regiment, conformably to the Militia Laws now in force in this State, whose duty it shall be, so soon as he is commissioned, to proceed forthwith to organize, and officer said regiment.

Sec. 3. And be it further enacted, That the northern regiment in the county of Franklin, shall be known and numbered as the thirty-seventh regiment of the Militia of the State of Alabama, and the line between the fifth and sixth townships shall be dividing line between the northern and southern regiments in said county.

Sec. 4. And be it further enacted, That the nineteenth regiment of the Alabama Militia be, and the same is hereby divided; and the second battalion of said regiment shall constitute the thirty-eighth regiment of the said Militia; and the said regiment shall be organized in the manner heretofore pointed out by law.

Sec. 5. And be it further enacted, That the sixth regiment is divided, and the eastern battalion shall be the sixth regiment; and the western battalion shall be the thirty-ninth regiment of the Militia of this State: and it shall be lawful for the officers of the sixth and thirty-ninth regiments to alter the line dividing said regiments.

Sec. 6. And be it further enacted, That the first battalion of the twenty-fourth regiment of this State, shall hereafter compose on regiment, which shall be known as the fortieth regiment of the Militia of this State.

Sec. 7. And be it further enacted, That it shall be the duty of the Brigadier General, of the seventh brigade of the Militia of this State, and he is hereby required, to hold or cause to be held, an election at the house of James Ashley, on the first Monday in March next, for a Colonel of said regiment, conformably to the Militia Laws now in force in this State, whose duty it shall be, so soon as he is commissioned, forthwith to organize, and officer, said regiment.

Sec. 8. And be it further enacted, That the Colonel of the twenty-fourth regiment, he, and he is hereby authorised and required to hold or cause to be held, an election to fill such vacancies as may happen by said division if any.

Sec. 9. And be it further enacted, That all laws and parts of laws, contrary to the provisions of this act, be, and the same are hereby repealed. (Approved, Dec. 6, 1821.)

To alter and amend the several Acts now in force, organizing the Militia of this State.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Lieutenant Colonels and Majors shall, hereafter, be elected by their respective battalions, and shall reside within the limits of the same; and whenever the office of Lieutenant Colonel or major, shall become vacated there shall be a poll opened at the respective muster grounds of said Battalion, for the election of a Lieutenant Colonel or Major, as the case may be.

Lieuten-
ant Col's.
and Maj'rs
How elect-

Sec. 2. And be it further enacted, That in all elections hereafter to be holden for Colonel commandants, the polls shall be opened at the several election precincts within the limits of the regiment in which said election shall take place.

Col. Com
mandant.

Sec. 3. And be it further enacted, That no allowance shall be given to officers, for services rendered as members of any Courts Martial whatever.

Officers
serving on
C'ts Mar-

Sec. 4. And be it further enacted, That the returns as now required by law from Assistant Adjutant Generals, of the strength and condition of the troops within their divisions, shall be made out and forwarded to the Adjutant General's office, on or before the third Mondays in November, in each and every year.

tial net al-
lowed pay.
Assistant
Adjutant
Gen. when
to make
returns.

Sec. 5. And be it further enacted, That in all returns hereafter to be made to the Executive Office upon which commissions are to be issued, if to fill vacancies, the name of the person and cause of such vacancy shall be stated in said return; if an original appointment, the return shall so express it.

Returns of
elections
how made.

Sec. 6. And be it further enacted, That if any officer, whatever, shall absent himself from his command, at any one time, for a longer period than twelve months, unless furloughed by the commanding officer of the regiment, brigade, or division, as the case may be, his office shall be considered vacated and shall be filled as provided for by law in other cases of vacancies.

Officers
absent
without
furlough
for a long-
er time
than 12

Sec. 7. And be it further enacted, That the Judge advocates hereafter appointed to General Courts Martial, shall be allowed the sum of five dollars per day, for each day they may be actually engaged in completing the records of the same, and the President's certificate shall be deemed a sufficient voucher to the Treasurer of the State, for the payment of the same.

months, ap-
pointment
vacated.
Judge ad-
vocate al-
lowed pay.

Sec. 8. And be it further enacted, That Brigade Majors shall be allowed the sum of five dollars, for every thirty miles traveling, to and from their residence, in attending the several regimental musters, as now provided for by law.

Brigade
major al-
lowed pay.

President
of Courts
mart'l may
issue sum-
m'ns for at-
tendance
of witness'
Proviso.
Sh'ff to re-
ceive fees.

Sec. 9. And be it further enacted, That when any General Court Martial shall hereafter be ordered, the President of said court, shall, on application of either of the parties interested, issue a summons for any witness, which shall be served by the sheriff of the county where such witness may reside, and returned by said sheriff, as in civil cases: Provided, That the parties desiring such summons to be served, shall tender to the sheriff such fees as are allowed him for serving subpoenas in civil cases.

Sec. 10. And be it further enacted, That the thirty-fifth section of an Act passed at Cahawba, entitled "An Act to organize the militia of this State," be so construed, that hereafter it shall be the duty of the commandants of regiments or battalions, to detail and convene their respective Courts martial, within the twenty days as provided for in said section.

Two com-
pany mus-
ters in e'ch
year.
Defaulters
how tried.

Sec. 11. And be it further enacted, That hereafter there shall be only two company musters in each year; the first in the month of April and the other in the month of October.

Sec. 12. And be it further enacted, That defaulters of battalion and regimental musters, shall be tried by their company Court Martial, at their respective company muster grounds.

Repeal.

Sec. 13. And be it further enacted, That an Act organizing the Militia of this State passed at Huntsville on the seventeenth day of December, eighteen hundred and nineteen, and all other Acts, or parts of Acts repugnant to the provisions of this Act, be, and the same are hereby repealed.

[Approved, Dec. 17, 1821.]

AN ACT

To authorise William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates, to erect a Toll-Bridge across the Black Warrior river, at the Falls of the town of Tuskaloosa.

Where to
erect
Bridge.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates, are hereby authorised to erect and build a toll-bridge across the Black Warrior river, at the Falls opposite the town of Tuskaloosa: the east end of the bridge shall rest in front of lot number twenty-three, in the plan of said town, and the west end to rest on a fraction of land of which they are the owners lying opposite to the said lot number twenty-three in the said town.

Property
in whom
vested.

Sec. 2. And be it further enacted, That the property of the aforesaid bridge when built shall be, and the same is hereby, vested in the said William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates and

their heirs and assigns, forever, and they shall and may demand and receive, on the completion of said bridge, toll according to the following rates, to wit: for each and every four wheel pleasure carriage, seventy-five cents; for each wagon and other four wheel carriages, fifty cents; for each two wheel pleasure carriage, thirty-seven and a half cents; for each cart and other two wheel carriage, twenty-five cents; for man and horse, twelve and a half cents; for each led or loose horse, six and a quarter cents; for ever foot passenger, six and a quarter cents; for every head of cattle, three cents; for each head of sheep, goats, &c. two cents; and for each head of hogs, one cent.

Sec. 3. And be it further enacted, That it shall be the duty of the said William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates, their heirs, representatives and assign, to keep said bridge, when completed, in good order and repair, as long as they may think proper to continue the same, and receive toll; they may and each of them, their heirs, representatives and assigns shall be deemed and held liable for all injuries which may be sustained by any person or persons passing or re-passing said bridge: Provided, said injury results from the negligence or want of proper attention to the good order and repairs of said bridge.

Sec. 4. And be it further enacted, That the County Court in and for the county of Tuskaloosa, or such other tribunal as may be hereafter established, shall be, and they are hereby authorised, whenever it may, in the opinion of the Judge or Judges thereof, be deemed necessary to appoint suitable commissioners to inspect the situation of said bridge, and if a majority of said commissioners shall report that said bridge is not in good order and repair, and fit for passengers, the court shall have power to suspend the collection of toll, until said bridge shall be put in good repair.

Sec. 5. And be it further enacted, That the said William G. Parrish, David Johnston, Otis Dyer, Benjamin Clements, and their associated, their heirs, representatives, and assigns, shall be bound and liable to be sued for all damages arising from any obstruction of the navigation of said river by the erection of the aforesaid bridge.

Sec. 6. And be it further enacted That if the said William G. Parish, David Johnston, Otis Dyer, Benjamin Clements, and their associates, their heirs, representatives, or assigns, shall exact or demand any greater rates or prices for the passage over said bridge than is herein before prescribed, he, she, or they so offending, shall, on conviction, forfeit and pay the sum of ten dollars, for the use of the persons who will sue for the same; to be recovered before any Jus-

Rate of
toll.

To keep
bridge in
repair.

Liable for
injuries
sustained
by not
keeping in
good rep'r.
Proviso.

C'ty C't
may ap-
point com-
mission'rs
to insepct
bridge.

Liable for
damages
sustained
by obstruc-
tion of
the river.
Penalty
for taking
greater toll
than au-
thorised

How re-
covered.

tice of the Peace for the county of Tuskaloosa, together with such costs as are allowed in other cases tried before them.

Not ob-
struct na-
vigation of
river.

Sec. 7. And be it further enacted, That the said bridge shall be so constructed as in no wise to impede the free passage and navigation of the Black Warrior for all kinds of vessels, or water crafts, under the penalty of having the same removed as a nuisance, by order of any court having competent jurisdiction thereof. (Approved, Nov. 27. 1821.)

Penalty.

AN ACT

Authorising the Intendant and Council of the lower part of Tuskaloosa to erect Toll Bridge across the Black Warrior river.

Authoris'd
to erect
bridge.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Charles Lewin, Intendant, and Gilbert Saltonstall, Benjamin Cox, Amos Warner, and William M. Marr, Council, in and for the lower town of Tuskaloosa, and their successors in office, are hereby authorised to erect a Toll Bridge across the Black Warrior river, opposite the Main street, running through the said town, upon the same terms, and under the same restrictions, and subject to the same forfeitures and penalties, imposed on the Bridge Company of upper Tuskaloosa; and they are hereby authorised to demand and receive the same tolls and rates that are allowed by law to the Bridge Company in and for the town of upper Tuskaloosa.

Condit'ns.

Rates of
toll.

Comm'nce
ment.

Sec. 2. And be it further enacted, That this Act shall commence and be in force from and after the passage thereof. (Approved Nov. 27, 1821.)

AN ACT

To appoint Commissioners to lay out a certain road therein named.

Commis-
sioners.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Benjamin Harris, Samuel Bell, William Russell, Jun Claiborn Williams, and Jesse Vanhooose, be, and they are hereby, appointed commissioners, who, or a majority of them, are hereby authorised to lay out and mark a road, leading from Russelville, in Franklin county to the Baptist meeting house; and from thence the nearest and best way to intersect Byler's road, at or near a place called the Good-Spring in Marion county.

Route of
road.

Commis
sioners
when to
meet.

Sec. 2. And be it further enacted, That said commissioners, or a majority of them are hereby empowered and required to meet at Russelville on the first Monday in February next, or any succeeding day that may then be appointed by one or more of said commissioners; which appointed meeting shall be advertised, so as to give notice to all concerned that they may attend said meeting. And the said commis-

sioners shall then and there proceed to view and mark out said road, and when finished they shall report the same to the next County Court which may be held thereafter in Franklin county : and the court shall appoint overseers for the road, who shall perform all the duties of overseers belonging to other roads. And all persons liable to work on roads, living within one mile on either side thereof, shall be bound to assist in opening said road, and keeping the same in repair, as far as the county line between Franklin and Marion counties. (Approved, Nov. 27, 1821.)

AN ACT

To authorise John Rose to cut out and open a Road from the Town of Cahawba, to Pine Barren Creek, and receive toll for keeping it in repair.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John Rose of Dallas county, be and he is hereby authorised and empowered, to cut out and open a road, commencing at the town of Cahawba, passing by the house of, and across a Bridge lately erected over Cedar creek by the said John Rose ; thence to Pine Baren creek, on the most direct route leading to Burnt-Corn Spring.

Sec. 2. And be it further enacted, That if any individual through whose lands the such road shall run, believes his property will be damaged thereby, and objects to the opening said road, then and in that case, the said John Rose shall apply to the county court of the county in which the person so objecting may own lands ; and it shall be the duty of such county court to issue a writ or writs of ad quod dampni, as the case may be, and such proceedings shall be had thereon, as the law directs in such cases ; and all damages so assessed, shall be defrayed and paid by the said John Rose.

Sec. 3. And be it further enacted, That the said John Rose, on completing the said road , shall notify the county court of Dallas thereof, whose duty it shall be, and it is hereby empowered, and required to appoint five commissioners, a majority of whom may view and examine the said road and bridge ; and if in their opinion, the same shall be in good order and repair, then the said John Rose shall be permitted to receive the following rates of toll, to wit : on a four wheel carriage and team, seventy-five cents ; on a two wheel carriage, thirty-seven and a half cents ; on a man and horse, twelve and a half cents ; or each pack horse, six and a quarter cents ; on each loose horse, four cents ; on each head of cattle, two cents ; one each head of hogs, or sheep, one cent, that shall pass the same. And the said John Rose is hereby authorized, to erect a turnpike gate on some convenient place on said road : and if any

To mark
out road.
Report to
C'ty C't.

C't to ap-
point over-
Seers.
Who to o-
Pen roads.

Route of
Road.

Damage
to be paid.

Cty. court
to appoint
commis-
sioners to
view road
when com-
pleted.

Rates of
toll.

Penalty for evading payment of toll. person shall break through or round said gate, with an intent to evade payments as is required by this act, they shall forfeit and pay for every such offence triple the amount by then due to the said John Rose, to be recovered with costs by action of debt before any Judge, or Justice of the Peace. And the said John Rose shall continue to keep the said road and bridge over Cedar creek in good order and repair, and to receive all the profits arising therefrom, for the term of twelve years. And at the expiration of said time, the said road shall be held subject to the disposition of the Legislature of this State.

Cty. court to appoint com'rs. to review bridge and road annually. Sec. 4. And be it further enacted, That the county court of Dallas shall on the third Monday of January, in each and every year, or as soon thereafter as the court may sit, appoint five commissioners, to view and examine the said road and bridge ; and if, in their opinion, the same be not in good order and repair, as is required by this act, then and in that case, the said commissioners shall direct the persons keeping the gate to open the same, and suffer each and every person to pass free of toll, until the commissioners aforesaid, or a majority of them, shall certify that the said road and bridge are in such order and repair as is contemplated by the provisions of this act, and if the said John Rose, or his agents, be convicted of having taken toll while the gate is directed to be kept open, in conformity to this act, they shall forfeit and pay the sum of twenty dollars, to be recovered by any person aggrieved, before any Justice of the Peace, with legal costs.

[Approved, Nov. 27, 1821.]

AN ACT

To provide for assessing and collecting the taxes of this State.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,

Assessor & Collector when appointed By whom appointed Proviso. That there shall be appointed, on fourth Mondays and Tuesdays of February, in each and every county in this State, a fit person to be an assessor and collector, by the Judge of the County Court, and the commissioners of the roads and revenue ; and in case the assessor shall refuse to act remove, or die, the Judge of the County Court shall make the appointment ; and if there be no Judge, the Clerk of the County Court shall make the appointment : Provided however, That if a majority of the commissioners should not attend, by four o'clock on the second day, then and in that case the Judge shall himself make the appointments.

Assessor & Collector to enter in to bond. Sec. 2. And be it further enacted, That each assessor and collector shall, before they enter upon the duties of their office, enter into bond and security, to be approved of by the Judge of the County Court, or if there be no Judge,

the clerk of the County Court, payable to the Governor for the time being and his successors in office, in the penal sum, in double the amount of the taxes of the county, to be estimated by the Judge or clerk taking such bond, conditioned for the faithful performance of the duties required of him while in office: and the Judge or clerk shall cause said bond to be recorded in the office of the clerk of the County Court, and the clerk shall thereafter transmit said bond to the comptroller of the State, to be by him safely kept in his office, and a certified copy of the record of said bond, shall be good and sufficient evidence thereof, in case the original shall be lost.

Sec. 3. And be it further enacted, That the assessors and collectors respectively, shall, before they enter upon the duties of their office, take and subscribe the following oath, to wit: "I, A B, do solemnly swear (or affirm,) that I will, to the best of my knowledge and abilities, perform the duties of assessor and collector of the taxes of the county of _____, without partiality, favour or affection.— So help me God."

Sec. 4. And be it further enacted, That from the first day of April to the first day of July, in every year, be, and the same is hereby established as the time, when the list of taxable property shall be given in, by all persons living in this State who are liable to pay taxes: which list shall contain an enumeration of the taxable property, in his or her charge, within said county; and in the account of the lands, the particular description of the situation and quality of the same, and to what class it belongs; also each town lot of land with the dimensions of, and improvements thereon; also the amount of sales of all merchandize sold within the year ending on the first day of March immediately preceding the time, at which the assessors are herein directed to commence the duties of their office; and the assessor shall state in the last column of his list the total amount of the taxes due from each person chargeable with taxes. And all persons failing to make return of their taxable property as aforesaid, shall be deemed delinquent, and shall pay the assessor or collector, fifty cents as a compensation for having to go to the place of residence of such delinquent, for a list of his or her taxables, or the amount of taxes due from such delinquent: Provided always, That in case of sickness, or absence on business from the county, of any person having or owning taxable property it shall be lawful for such person to send their list of taxables to the assessor and collector, sworn to before any Justice of the peace in the State; or any person may render his list of taxables, sworn to by his agent.

Am'nt
bond.

To be re-
corded.

Transmit-
ted to
Comptrol-

Oath to be
taken.

Time
when tax-
ables to be
given in.

Land how
given in.

Town lots.
Sales of
Merchan-
dize.

Delinq'nts

Proviso.

Assessors to advertise the days of giving in taxable's. Sec. 5. And be it further enacted, That it shall be the duty of the assessors to advertise at three public places in each captain's district, at least ten days previous to the days herein established, for giving in taxable property ; and it shall be the duty of the said assessors to attend at the muster ground in each captain's district, two days of the time of giving in the list of taxable property.

Persons giving in property to take oath Assessor to administer oath Sec. 6. And be it further enacted, That at the time of giving in to the assessor a list of taxable property, the person giving in the same, shall take the following oath or affirmation, to wit : "I, A B, do solemnly swear (or affirm,) that the list of taxable property, which I have charge of, in the county of _____, subject to taxation, contains a true statement, to the best of my knowledge and belief, – So help me God." Which oath, the assessor is authorised to administer to the person giving the list.

To make out three copies of assessment How disposed of. To be compared Clerk to certify Penalty on assessor for not doing duty. Sec. 7. And be it further enacted, That the assessor shall make out three copies of his assessment, one of which he shall retain for his own use, one to be transmitted by him to the comptroller, on or before the first days of September, and one to be filed with the clerk of the County Court ; the copy for the comptroller shall first be submitted by the assessor to said County Court Clerk, to be compared, who shall certify thereon, that the said copy has been duly compared with, and is a correct duplicate of, that filed in his office. Any assessor failing to comply with the requisitions of this Act, shall forfeit and pay the sum of one thousand dollars, recoverable in any court having competent jurisdiction ; one half to the person suing for the same and the other half to the use of this State.

Assessors compensation Proviso. Sec. 8. And be it further enacted, That the assessors and collectors in every county, appointed under this Act, shall be entitled to receive at the rate of twenty-five per centum on the four hundred dollars collected, and in proportion for a smaller sum ; at the rate of twelve per centum, on all sums over four hundred dollars, and not exceeding one thousand ; at the rate of seven per centum, on all sums over one thousand dollars, and not exceeding two thousand ; at the rate of six per centum, on all sums over two thousand dollars, and not exceeding three thousand ; at the rate of three per centum, on all sums over three thousand dollars: Provided, That the tax collector shall retain the per cent attached to the sums respectively, for all amounts collected ; and the comptroller of the State is hereby authorized and required to issue his warrant in favour of such assessor and collector, upon the Treasurer of the State, for the amount at any time after the list of the taxable property shall have been transmitted to the comptroller, and shall have paid over to the treasurer the amount of taxes due.

Sec. 9. And be it further enacted, That the respective assessors and collectors shall proceed, after the first Monday in July, in each and every year, to collect the taxes, and shall pay into the public treasury, all monies which may be due from them respectively, on or before the second Monday of December, in each and every year.

Sec. 10. And be it further enacted, That all lists of taxes shall be considered, as having the force and effect of an execution ; and it shall be lawful for all assessors and collectors of taxes, from and after the first day of September in each and every year, to proceed to make distress and sale of the goods and chattels, lands and tenements, of all persons in arrear for taxes, in the same manner as now provided for by law.

Sec. 11. And be it further enacted, That every person shall be liable to pay taxes upon all property, both real and personal, of which he shall stand seized, or have in his custody, either as attorney, agent, guardian, executor, and administrator, subject to taxation under this act, on the first day of March in each and every year ; and every person who shall sell and convey away any property, either real or personal after the first day of March, shall give in a list of the same, with his, her, or their taxable property for that year.

Sec. 12. And be it further enacted, That if any assessor and collector shall make any false return of any list of taxable property, with a view to defraud the State or county of the revenue, he shall then and in that case, forfeit and pay double the amount of the sum, which it was his duty to have returned, and shall moreover be liable to a prosecution for fraud, and on conviction thereof, shall be imprisoned, not less than three months, by the verdict of a jury, and shall forever thereafter, be rendered incapable of holding any office of profit, honor, or trust, within this State.

Sec. 13. And be it further enacted, That all persons who may be appointed to collect the taxes of any county in this State, be, and the same are hereby, authorized and empowered, to collect all arrearages of taxes that are now or may at any time hereafter remain unpaid, to the persons appointed to collect the same, under the same regulations, as are prescribed for the collections of taxes in other cases.

Sec. 14. And be it further enacted, That the tax collectors, respectively, throughout this State, shall receive in payment of taxes, imposed by law, any gold or silver coin, or warrants issued on the State treasury of this State, or the Bank bills or notes of such Banks within this State, as pay specie for their notes, and all other Banks bills or notes that may be received in the Land offices of the United State, for this State.

Collector,
shall proceed to
collect after 1st July.

Lists of
taxables
to have
force and
effect of
execution.

All property in possession on the 1st day of March & after, liable to taxation.

Penalty for making false return of taxables.

Taxes heretofore accrued, may be collected.

Kind of money received for taxes.

Governor Sec. 15. And be it further enacted, That the Governor
to give no- of this State for the time being, shall, on receiving informa-
tice to tion which can be accredited, of the refusal or stoppage, or
Comptrol- failure, of any bank or banks either within or without this
ler of banks State, to pay specie for their bills or notes, emitted by such
that stop bank or banks, the said Governor shall direct the Comp
specie pay troller of the Treasury for the State, to issue circulars to
ments. the several tax collectors, in this State, apprizing them re-
Comptrol- spectively, of such refusal, stoppage, or failure, on the part
ler to issue of such bank or banks, to pay specie as aforesaid for the
circulars bills or notes emitted by the said bank or banks respectively.
to collect- Sec. 16. And be it further enacted, That the assessors
ors. shall deliver to each individual whose property he assesses
a concise statement of the property assessed, and the
amount, which he shall date and sign.

Assessors & Sec. 17. And be it further enacted, That if any acci-
collector to dent should happen, that the person who shall be appointed
receive to assess and collect the taxes should die, or otherwise be
compensa disqualified from performing the whole duties assigned him,
tion for du- then and in that case, the duties performed by the assessor
ty per- and collector, shall be paid in proportion to the labour per-
formed. formed by each respectively.

Clerk fail Sec. 18. And be it further enacted, That if any clerk
ing to pay shall fail to pay the money arising from the tavern licences
money for by him issued, four weeks before the time the collector is
licences. required to settle his accounts at the Treasury, he shall
forfeit and pay double the amount of the tavern licences by
Penalty him collected ; to be recovered by the collector before any
court having jurisdiction thereof, and paid over by him to
the State.

Assessor, Sec. 19. And be it further enacted, That it shall be
when he lawful for any assessor to receive from any person the taxes
may receive due, and receipt for the same, at any time after said asses-
taces. sor shall enter on the duties of his office.

C'ty court Sec. 20. And be it further enacted, That it shall be
may in- lawful for the Judge of the county court and Commission-
struct ers of roads and revenue in any county in this State, to
lector, direct the collector of the taxes to collect any current mon-
what kind ey, circulating in their counties, in payment of county tax-
of money es, and the collectors shall collect according to such direc-
to take for tion. [Approved, Dec. 17, 1821.]

county
taxes.

AN ACT

To repeal in part and amend an Act entitled an Act to reduce into one
the several Acts concerning roads, bridges, and highways.

Sec. 1. Be it enacted by the Senate and House of Representa-
tives of the State of Alabama, in General Assembly convened,
That it shall be the duty of the County Judge and Commis-
sioners of the roads and revenue of the several counties in

this State, at the stated time of holding courts in the month of May in each and every year, to appoint overseers of the roads, on several precincts in said county, to serve for one year ; also apportioners to apportion the hands as the law directs, which apportioners shall apportion the hands to several precincts, and make their return as the law directs, on or before the last day of June thereafter ; it shall not be lawful for the said Judge and commissioners to lay off precincts, appoint overseers, or apportioners at any other time than herein specified : Provided, that new roads ordered to be cut out at any time of the year, and such roads as now exist, may have overseers and apportioners appointed to serve until the May court succeeding their appointment ; and provided also, that no hands shall be apportioned to work on any road at the court preceding said appointment.

Sec. 2. And be it further enacted, That in those places where it is necessary to purchase timber to repair or causeway roads, the overseer of such road is hereby authorized to contract for such timber as will be necessary to repair such road ; and where timber cannot be had near a road where it may be wanting, the overseer may contract for hauling the same, which contract shall be laid before the County Judge and Commissioners of roads and revenue, who are hereby authorized and required to order payment to be made, for as much as they shall judge reasonable, out of the county treasury.

Sec. 3. And be it further enacted, That fines from defaulters for failing to work on public roads, shall be recovered and collected in the manner following to wit : the overseer shall note each defaulter, together with the number of lands such defaulters had, that failed to work on the road as warned, and shall make a reasonable excuse, to the overseer in ten days thereafter, the said overseer shall return the account before some Justice of the Peace convenient to said precinct, which Justice shall issue a summons to said defaulters setting forth the cause of complaint and fixing on a time not exceeding ten days for said defaulter to appear before him, to show cause for said default ; and if good cause is shown to such justice, he shall dismiss the defaulter without costs : and if said defaulter fails to appear or show good cause for such default, then the justice shall give judgment for the fine and costs, and execution shall issue as in cases of debt and assumpsit, and the officer collecting said fine shall pay the same into the County Treasury : Provided, the excuse is deemed sufficient to dismiss the suit, the overseer shall not pay the costs.

County ct.
to appoint
overseers
of roads.

when to be
done.
hands to be
apportion.

overseer to
countr't for
timber to
repair r'ds.

payment
therefor.

defaulter
fines, how
collected.

justice to
issue sum-
mons.

Proviso.

Penalty on
overs'r for
not prose-
cuting
defaulters

Sec. 4. And be it further enacted, That where the overseer of any road fails to prosecute defaulters as they law directs for failing to work on a road, as warned, it shall and may be lawful for any person or persons that is apportioned to work on said road, to apply to a Justice of the Peace near the precinct where such overseer may reside, and the said justice is hereby required to issue a summons against such overseer, requiring him to appear before said justice and show cause why the defaulters were not prosecuted, and if such overseer fails to appear or show cause as required, the justice shall give judgement with costs, for as much as the fines would amount to from the defaulters complained of, and the officer collecting the same shall pay it over into the County Treasury.

persons not
compelled
to cross A-
labama to
work on
pub. roads.

Sec. 5. And be it further enacted, That from and after the passage of this Act no person shall be compelled to cross the Alabama river, to work on any road : Provided, that all persons liable to work on roads, shall be apportioned to work on the nearest road, on the side of the river they may reside.

road from
Caha'ba to
Canton, de
clar'd state
road.

Sec. 6. And be it further enacted, That the present road from Cahawba to Canton, be, and is hereby established as the State Road, until the Commissioners of Dallas and Wilcox should determine otherwise.

Sec. 7. And be it further enacted, That no person shall be compelled to work on any road, which is more than seven miles from his place of residence.

Sec. 8. And be it further enacted, That all fines collected from defaulters shall be applied to the improvement of that part of the road ; on which the said defaulters were liable to work upon.

Sec. 9. And be it further enacted, That in all cases the overseer of all and every road in this State, shall have authority to appoint one fit person in his respective precinct, to warn the hands liable to work thereon ; and notice thus served shall in all cases be as binding, as if served by the overseer in person, and the person appointed and performing said duties shall be exempt from working on roads.

Justices &
constables
fees how
obtained.

Sec. 10. And be it further enacted, That in all cases where delinquents may have made good and sufficient excuse, the justices and constables shall have their costs out of the fines assessed before him.

students
exempt.

Sec. 11. And be it further enacted, That from and after the passage of this Act, all students of any academy or school within this State, be, and the same are hereby, exempt from working on public roads.

Repealed.

Sec. 12. And be it further enacted, That all Acts and parts of Acts contrary to the provisions of this Act, be, and the same are hereby, repealed.

[Approved, Dec. 19, 1821.]

AN ACT

To authorize a Lottery for the purpose of building a Bridge over Prairie Creek, in the county of Greene.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall and may be lawful for Allen Glover, George S. Gaines, Nathan Bolles, Shelby Cursine, Charles Lafevre, Thomas H. Herendon, John Robinson, William Murphy, _____ Seymore, _____ Lake, William Winn, and _____ Ravesie, or a majority of them, to raise by lottery in one or more classes as to them may seem most convenient and necessary, any sum of money not exceeding three thousand five hundred dollars to be appropriated in building and completing a bridge over Big-Prairie creek, in the county of Greene, at the most eligible place within two miles of the mouth of said creek. And the said Allen Glover, George S. Gaines, Nathan Bolles, Shelby Cursine, Charles Lafevre, Thomas Herendon, John Robinson, William Murphy, _____ Seymore, _____ Lake, William Winn, and _____ Ravesie, or such of them as may think proper to act, shall before they enter on the duties of their office enter into bond with sufficient security in the penal sum of ten thousand dollars, payable to the Governor or his successors in office, before some one of the Judge of the circuit court of this State, ----conditioned for the faithful discharge of the duties imposed by this act; which bond may from time to time be put in suit in the name of the State, by any person or persons injured by a breach thereof.--- And it shall be the duty of the said managers, within ninety days from the completion of the drawing of the said lottery to pay to the fortunate person or persons, or to his or their order, all such prizes as my be due, agreeably to the scheme which they may have determined on and published. And the said lottery shall be drawn in the town of Erie, or Demopolis, or at such other place as the managers may deem expedient; giving due notice of the time and place of said drawing. and each of said managers, and each clerk that may be employed shall before the drawing commences, take an oath to act fairly and impartially in the discharge of their respective duties; which oath may be administered by any Justice of the Peace residing in the county where the drawing may be held. If the said lottery or any class thereof be not drawn within two years after the scheme of the same may have been published, the same shall cease, and said manages shall refund on demand, the price of the tickets to the holders of the same.

Sec. 2. And be it further enacted, That the aforesaid managers are hereby required and authorized, to contract for the building and completing the said bridge, within the

Managers
appointed.

Sum to be
raised.

Manager
to enter in-
to bond.

To pay
prizes.

Lottery
when
drawn.

Oath to be
taken.

Managers.
to contract.

1821.

46

for build-
ing bridge.

limits designated by this act. And the managers are here-
by authorized to make to the undertaker or undertakers such
disbursements and at such times as they may think proper.
[Approved, Dec. 12, 1821.]

AN ACT

More effectually to enforce the acts of the General Assembly of the twen-
ty-first December 1820, and of June 14th, in relation to roads with-
in this State.

Preamble.

Whereas, the first recited act authorizes the several coun-
ty courts in this State, through the counties whereof large
creeks or water courses obstruct the roads, over which it
may be too burthensome to the citizens of such counties
to construct bridges or crossways by means of a county tax, in
which cases it is by the said act make lawful for such county
courts to contract with any person or persons to build toll
bridges or crossways and to make and allow toll to such
person or persons, &c. And whereas by the last recited
act, this authority is delegated to the present county Judg-
es, associated with the commissioners of reads and re-
venue, without delegating any authority by either of said
acts to the said county courts, or to the said Judges and
commissioners, to impose fines or inflict penalties, against
any person or persons who may obstruct or demolish the
said bridges or causeway, or who may improperly evade
the toll authorized to be received for passing such bridges
or crossways; Therefore,

Causways,
toll bridg-
es, not to
be injured.

Section 1. Be it enacted by the Senate and House of Re-
presentatives of the State of Alabama in General Assembly
convened, That if any person or persons shall obstruct or
demolish any such bridges or crossways, or shall pass round
or through the gate or gates authorized to be set up by the
said county courts, respectively, with intent to evade the
payment of toll, he, she, or they, shall for every such of-
fence forfeit and pay to the person or persons having con-
tracted with the said courts, respectively, for such bridge
or crossway, thrice the amount of the common toll au-
thorized to be received by sch person or persons, to be
recovered before any Justice of the Peace having jurisdic-
tion of the same, with costs of suit.

Penalty.

[Approved, Dec. 15, 1821.]

AN ACT

To alter the time of holding the county courts in the county of Franklin.

Section 1. Be it enacted by the Senate and House of Repre-
sentatives of the State of Alabama in General Assembly convened,
That hereafter, the times of holding the county courts in
Franklin county be and the same are hereby changed from
the second Mondays in June and December, to the second
Mondays in February and August, in each and every
year. (Approved, Dec. 12, 1821.)

AN ACT

Supplementary to the several Acts in relation to Highways, Bridges, and Ferries.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That from and after the passage of this act, the county courts of the several counties in this State, in addition to the powers already given to, and vested in them, by the several acts in relation to highways, bridges, and ferries, be, and they are hereby, authorised, to impose and inflict penalties, not exceeding twenty dollars for each and every offence, on any person or persons who may violate or contravene the privilege granted by their said courts, respectively, to any person or persons to keep a public ferry or ferries, to be recovered before a Justice of the Peace, or any court having competent jurisdiction of the same; which penalty shall enure to the use of the person or persons suing for the same: Provided always, that nothing in this act contained, shall be so construed, as to exclude any person or persons from the right of carrying themselves, or other persons, or any thing belonging to them, in their own boats, free of ferriage: Provided, that this act shall only extend to the counties of Mobile and Baldwin: And provided also, that if any delay be created by the ferryman aforesaid, no penalty shall be recovered from any person whatsoever, by crossing said ferry.

[Approved, Dec. 12, 1821.]

AN ACT

Declaring the Conecuh and Sepulgah Rivers Public Highways, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That from and after the passage of this act, the Conecuh river from the falls thereof in Henry county to the Florida line, and the Sepulgah from its falls near the mouth of Bottle creek to its junction with Conecuh river, be, and the same are hereby, declared to be public highways.

Sec. 2. And be it further enacted, That Henry Gunnison, Thomas L. Hallett, Thomas Richardson, Elias Pledger, and their associates are hereby constituted and appointed a body corporate, by the name and style of The Navigation Steam Boat Company; and they are hereby vested with all rights and privileges and subject to the same restrictions which are granted and imposed in an act to incorporate the Mobile Steam Boat Company, passed on the twenty-seventh November, one thousand eight hundred and twenty-one.

(Approved, December 13, 1821.)

Ct'y court
may inflict
penalties.

How re-
covered.

Proviso.

Act exten-
ded only to
Mobile &
Baldwin.

Henry
Gunnison,
Thomas L.
Hallett, &c.
incorporat-
ed.
Corporate
powers.

AN ACT

To establish a Public Road therein mentioned, and for other purposes.

Road from
Buttsville
to Shoals of
Conecuh
declared
public.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the road which is about to be opened from Buttsville in the county of Butler, to the Shoals of Conecuh river, be, and the same is hereby, declared to be a public road.

Ferry on
Conecuh
authorised.

Sec. 2. And be it further enacted, That Thomas MacDaniel of the county of Butler, is hereby authorized to establish a ferry on the Conecuh river, where the said road shall strike the same, or at such place near the Falls on said river as he may deem most suitable, and may receive the following rates of ferriage, to wit: For every wagon, or four wheel carriage, one dollar; for every two wheel carriage, fifty cents; for every man and horse, twelve and a half cents; for every loose horse, six and one fourth cents; for every head of cattle, four cents; for each head of hogs or sheep, two cents; for every foot passenger, six and one fourth cents: Provided however, that the said Thomas M'Daniel shall not enjoy the privileges arising under this act, longer than the lands adjacent to such ferry, shall continue the property of the Government of the United States.

Rates of
carriage.

Proviso.

Sec. 3. And be it further enacted, That the said Thomas M'Daniel shall lay off, and cut out a road from the ferry contemplated in this act, to the Federal road leading from Fort Crawford to Fort Gains; and the said road so soon as the same is cleared out, is hereby declared to be a public road.

Road to be
cut out.

[Approved, Dec. 7th, 1821.]

AN ACT

To authorize Peter Ross to establish a Toll Bridge across the Big-Mulberry Creek, between the counties of Dallas and Autauga.

Rates of
toll.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Peter Ross be, and he is hereby, authorized to claim and receive of and from each and every person who shall cross on said bridge, the following toll, to wit: For every four wheel carriage, seventy-five cents; for every two wheel carriage, thirty-seven and a half cents; for every man and horse, twelve and a half cents; for every pack horse, six and a quarter cents; for every loose horse, six and a quarter cents; for each head of cattle, two cents; and for each head of hogs, sheep, and goats, one cent.

Penalty
for stopping
ford.

Sec. 2. And be it further enacted, That the said Peter Ross shall not stop up any ford on said creek, in order to turn travelers across his bridge, under the penalty of twenty dollars; to be recovered before any Justice of the Peace, with costs of suit.

(Approved, December 15, 1821.)

AN ACT

To raise a revenue for the Support of Government for the year 1822.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That all lands in this State subject to taxation, shall belong to one class; the first quality of which shall be rated at eight dollars per acre; the second quality, at six dollars per acre; the third quality, at four dollars per acre; and the fourth quality, at two dollars per acre: and the owner or person subject to pay taxes for the same, shall, when he or she shall give in a list of his or her lands, state on oath, to which quality they believe his or her lands belong.

Sec. 2. And be it further enacted, That the sum of twenty cents for every hundred dollars value, be paid on all lands within this State, which have been cleared out of the Land Office, or to which a complete title has been obtained by the owner; and the tax on all land purchased of the United States shall be proportioned to the number of Instalments paid by the proprietor at the time of assessment, as well as to its class or quality, and if one instalment only be paid to the Government, one fourth only of the amount of tax accruing by the laws of the State on land of the same quality, shall be assessed or collected, and in like proportion, when a second or third instalment shall have been paid.

Sec. 3. And be it further enacted, That the sum of thirty cents be paid for every hundred dollars value of all lands, lots, or buildings, within any city or town, to be estimated by the person giving in the same, upon oath; and thirty cents for every hundred dollars, on the amount of Merchandize sold within the year immediately preceding the first day of January, in each and every year to be estimated by the owner, or in his absence by the principal clerk, giving in the same on oath; and for every slave not exceeding ten years, twenty-five cents; and all over ten and under sixty, one dollar; for all free male negroes and Mulattoes, over twenty one years, one dollar; for all free white males above the age of twenty one years, and not exceeding forty five fifty cents; for all pleasure carriages and harness, one per centum on every hundred dollars of their estimated value, to be ascertained by the oath of the party giving in the same to the assessor; for every Tavern licence, or leave to retail spirituous liquors, ten dollars; for every horse kept exclusively for the saddle, or pleasure carriage, one dollar; and for every race horse, five dollars; for every public race track, ten dollars; for every Stud horse or Jack-ass the amount for which such Stud or Jack

lands clas-
sed.
1st quality
2nd, -
3rd, -
4th -
owner to
give in on

oath.

amount of
tax.

tax propor-
tioned ac-
cording to
no. of in-
stalments
paid.

tax on
town pro-
perty.
merchan-
dize.

to give in
on oath.
slaves
free col'd
persons
white polls
Pleasure
carriages
tavern
licences
saddle
horse.
race horse
es.

race track
stud horse
be

meat cattle

billiard
tables.

hawkers &
pedlers.
penalty for
not having
license.
goods sold
at auction.
watches.

docks
money
loaned at
interest.
tavery li-
cences in
cities or
towns.

Houses of
pub enter-
tainment
without
retailing
liquors.
retailers of
liquors in
town or
country.
to whom
paid.
clerks fees.
tax or
bank
shares.
proviso.

Cashier
bank to re-
tain am't.

may stand by the season; and all neat cattle, which may be owned by any one citizen of this State, and for every head of meat cattle owned by any person not a citizen free-holder of this State, over twenty five head, work oxen excepted, per head, four cents; for every billiard table kept for play one hundred dollars; for each licence granted to every hawker or pedler, in each county, twenty dollars;—and in case any hawker or pedler shall sell any goods or merchandise, without first taking out licence and paying for the same, agreeable to the provisions of the law he shall forfeit and pay the sum of fifty dollars, to be recovered in any court having competent jurisdiction, one half to the use of the State, and the other half to the use of the informer;--- on all goods sold at auction other than those which are exempted by law, two per centum on the amount of sales; for every gold watch kept for use, one dollar; for every silver or other watch kept for use, fifty cents; and for every clock kept for use, one dollar;—for money loaned at interest, for every hundred dollars, twenty five cents; on the sale of every pack of playing cards fifty cents.

Sec. 4. And be it further enacted, That for every Tavern licence in any city or town, there shall be paid as tax, twenty dollars;— for keeping a house of public entertainment in any city or town without retailing spirituous liquors fifteen dollars;—on every retailer of spirituous liquors in any city or town ten dollars;— on every retailer of spirituous liquors in the country or on the road or highways, without keeping accommodations for man and horse, five dollars;—and on all houses of public entertainment on the roads and highways, retailing spirituous liquors, five dollars; - - - which tax shall be paid to the clerk issuing the licence, and by immediately to the tax collectors; and the clerk shall receive for his services, the fees heretofore allowed for issuing licences; and no county tax shall be paid on licences, except such, as may be levied by the County Court of such county.

Sec. 5. And be it further enacted, That on all hares of Bank stock in any Bank in the State, held by any individual, partnership, or body corporate, there shall be levied and collected yearly, a revenue at the rate of fifty cents on each share of one hundred dollar: provided nevertheless, that if any Bank in this State shall refuse to pay specie for their notes, after the first day of August next, then and in that case there shall be levied and collected an additional tax of fifty cents on each share, held as aforesaid, in any bank or banks so refusing to pay specie for their notes: and the President and Directors, or Cashier on making out their last dividend for each preceding year shall return

the said amount of taxes, and pay the same into the Treasury of this State and shall produce the Treasurer's receipt, on or before the first day of January in every year; and on failure thereof the President and Directors of said Bank, or any number of them in their corporate capacity, shall pay to the State, two thousand dollars; and in case of any such failure, it shall be the duty of the Comptroller of Public accounts to direct the solicitor of the circuit in which such defaulting bank or banks may be to proceed to the recovery of the same on motion in the Circuit Court; the said Comptroller of Public accounts giving notice in the Cahawba Press to the said defaulting bank or banks, of motion so to be made; and the certificate of said Comptroller shall be deemed and taken as full and sufficient evidence of such default or failure.

Sec. 6. And be it further enacted, That when the time shall have expired within which the lists of taxable property are to be received, it shall be the duty of the assessor of taxes, to ascertain whether there be any lands or town lots within their respective counties, sold under the authority of the United States, previously to the first day of September, one thousand eight hundred and nineteen, which have not been assessed, and in case any such be found, which have not been forfeited, he shall assess the same according to the rate of assessment prescribed by law on town lots and lands, for which a complete title has been obtained, and such lots or lands shall be double taxed.

Sec. 7. And be it further enacted, That the Collectors of taxes in the several counties, shall, at the time and in the manner prescribed by law, make distress and sale of the goods and chattels, lands and tenements, of all delinquents, in making return of taxable property, or in payment of taxes: And in case of taxes assessed in the manner directed in the preceding section, on lands or town lots, to which a complete title has not been obtained, and in which other property, sufficient to satisfy the taxes due together with all costs and charges accruing thereon, cannot be found, it is hereby expressly made the duty of the respective Collectors of taxes, to give notice by advertisements at the door of the court house of the proper county and at two other public places within the county, that on a certain day (which shall be at least thirty days after the date of each advertisement) he shall at the court house of his county, offer for rent, the town lot or lots, or so much of the land (as the case may be,) and for such term as may be necessary, to satisfy the taxes due, and costs and charges thereon; and he shall accordingly offer for rent to the highest bidder, until the first day of Janua-

of taxes &
pay into
treasury
at what
time.
penalty.

how pro-
ceeded a-
gainst, in
case of fai-
lure.

Land sold
previous to
Sep. 1819
not given
in, to be
double
taxed.

delinq'nts.

Collectors
may sell
property.
Lands or
town lots,
may be
rented for
taxes.

Collection
to give no-
tice.

Term of
rent.

ry succeeding the January immediately ensuing, the town lot or lots or such portion of the lands (as the case may be,) as he may designate, beginning in the case of lands with ten acres, or with as much less than ten acres as may be necessary to pay said tax and costs, or by adding ten thereto as often as may be necessary, to obtain by such rent a sufficient sum to satisfy taxes and costs; and in case the town lot or lots, or lands cannot be rented for a sufficient sum on the terms aforesaid, they shall be offered for two years from the first day of January immediately ensuing or until a complete title to the same shall be produced or the same

Proviso.

shall be forfeited to the United State: Provided, that the production of a complete title shall in every case aforesaid, entitle the owner to the possession of the premises, upon reimbursing the amount paid for taxes, and the charges thereon, to the party by whom such payment has been made, and saving to the occupant the crop which may be on the premises: and should the rent in any case exceed the amount of taxes and charges, the right owner of the town lot or lots, or lands, (as the case may be,) shall be entitled to receive the overplus.

Collectors
to convey
to persons
renting the
use of the
premises
Fee.

Sec. 8. And be it further enacted, That the Collectors of taxes, respectively, shall by an instrument of writing, convey to the party renting the premises as aforesaid, the use thereof, for and during the time for which they were rented, and shall, in addition to the compensation allowed by law, be entitled to receive one dollar for executing every such instrument of writing; and such instrument conveying the use of the premises as aforesaid, shall be good and sufficient, both in law and equity: Provided, that whenever the Col-

Proviso.

lector shall find the tenant in possession, who may refuse to pay the tax or render possession of the premises which may be thus taxed and unpaid, he shall have full power to proceed inslanter, in the same manner, as is or may be authorized in cases of forcible entry and detainer, and the refusal of the tenant in possession to render peaceable possession of the premises, on demand, shall be considered as evidence of forcible detainer.

Collectors
may make
deeds for
land sold.
Proviso.

Sec. 9. And be it further enacted, That the tax Collector shall be authorized and is hereby required, to convey by deed, any land he may sell under the provisions of this Act where a complete title has been obtained: --- Provided, the owner or owners of any land sold for taxes, may redeem the same at any time within twelve months, by the proper owner or owners or their agents, paying the amount of tax and costs paid by the purchaser, with interest at the rate of fifty per centum, per annum, from the day of sale, until said redemption and costs.

Land may
be redeemed.

Sec. 10. And be it further enacted, That every person who shall exhibit or cause to be exhibited for hire or emolument, any Museum, wax works, feats of activity, slight of hand, or plays shall first obtain from the clerk of the County Court of the county where the same may be exhibited, a licence authorizing the same, for which the party applying shall pay to the clerk twenty dollars for the use of the State, together with one dollar as a fee to the clerk, for issuing the same; and the clerk shall account for the said tax, in the same manner as he is required to account for taxes collected on retail and tavern licences. And every person who shall exhibit as aforesaid without first obtaining such licence, shall forfeit and pay the sum of fifty dollars to be recovered before any Justice of the Peace, at the suit of said clerk, or any other person in the name of the said clerk, which sum so recovered shall be paid over as aforesaid after deducting therefrom ten dollars for the use of the person who may sue as aforesaid.

Sec. 11. And be it further enacted, That Stud horses and Jack asses, shall be taxed from and after the first day of April: and the assessor shall take the lists of those articles in relation to that day; and it shall be the duty of the Collector of the revenue to collect the tax on all Jack asses and Stud horses which have stood the season in their respective counties, whither they have been listed with the assessor or not, and account for the receipts as other taxes.

Sec. 12. And be it further enacted, That if any person shall remove from the county in which he may reside, after the first day of April next, without returning to the assessor a list of his taxable property, then and in that case, he shall return to the assessor of the county to which he shall move, a list of his taxable property.

Sec. 13. And be it further enacted, That if any person or persons shall by him or themselves, or by his, her, or their agent, keep a billiard table for play without first obtaining a licence from the County Court in which said billiard table may be kept, he, she, or they shall forfeit and pay the sum of five hundred dollars; to be recovered in any court having jurisdiction thereof, one half to the person suing for the same, the other half to the State.

Sec. 14. And be it further enacted, That Samuel Dale and securities be, and the same are hereby exonerated and discharged, from all liability, for the sum of two hundred and ninety nine dollars and four and one fourth cents being the balance due by the said Samuel Dale as collector of taxes for Monroe County, for the year one thousand eight hundred and seventeen.

[Approved, Dec. 17, 1821.]

Tax on
Museums,
and other
exhibitions

Amount of
Tax
Clerks fee.

Penalty
for exhibit-
ing with-
out licence.

stud horses
and asses
taxed after
1st April.

Persons
removing
after 1st
April to
give n pro-

Penalty for
keeping
Billiard ta-
bles with
out licence.

How
received.

Sam'l Dale
exon'rated.

AN ACT

Authorising a Lottery for the making of a Turnpike road, leading from the city of Mobile to Chickasaw Bogue creek in the county of Mobile, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

That it may be lawful for the Mayor and Aldermen of the city of Mobile for the time being, and their successors in office, or a majority of them, to raise by lottery, in one or more classes, as to them may seem most convenient and necessary any sum not exceeding ten thousand dollars, to be appropriated in improving the road leading from the city of Mobile to Chickasaw-Bogue creek, in the county of Mobile; and the Mayor and Aldermen of the city aforesaid, for the time being, and their successors, shall, before they enter on the duties of their office, enter into a bond in their corporate capacity, in the penal sum of twenty thousand dollars, payable to the Governor and his successors in office, conditioned for the faithful discharge of the several duties imposed, upon them by this act; which bond may from time to time be put in suit in the name of the Governor of said State and his successors, by any person injured by a breach thereof: and it shall be the duty of the said corporation within ninety days from the completion of the drawing of said lottery, to pay to the fortunate person or persons or his or their order, all such prizes as may be drawn, agreeably to the scheme which they may have determined upon and published by them. The said lottery shall be drawn in Mobile, or at such other place as may be most expedient, giving due notice of the time and place of such drawing.— Each of the said managers and each clerk that may be employed, shall before the drawing commences, take an oath to act fairly and impartially in the discharge of his several duties; which oath may be administered by any Justice of the Peace. If the said lottery, or any class thereof, be not drawn within the year after the scheme of the same may have been published, the same shall cease, and said corporation shall refund, on demand, the price of the ticket, to the holder of the same.

Sec. 2. And be it further enacted, That the aforesaid corporation are hereby required and authorised, to contract for the improvement of the aforesaid road on such plan as they may deem most convenient and proper, out of the funds that may be raised by the lottery.

Sec. 3. And be it further enacted, That it shall be the duty of the Mayor and Aldermen for the city of Mobile, for the time being, so soon as their term of office may expire, to deliver over and transfer to their successors, all monies by them received and collected on account of such lottery

Lottery
authoris'd.

Managers
to enter
into bond.

Bond may
be put in
suit.

Pay prizes.

Place of
drawing
lottery.

Managers
and Cl'ks
to take
oath.

Corpora-
tion may
contract
for im-
provement
Transfer
papers to
successor.

together with a particular statement of the number of tickets sold, the monies received on account of the same, and all books and papers touching or relating to the said lottery.

Sec. 4. And be it further enacted, That it shall and may be lawful for James Davis, Peter Martin, John S. Fulton, Anthony White, Robert Gillaspie, James Frazier and George Higgason, or a majority of them to raise by lottery any sum not exceeding three thousand dollars, to be appropriated in erecting and furnishing a masonic hall, for the use and benefit of Russelville Lodge, number seven, of ancient Free Masons, in the town of Russelville.

Lottery
authorized
for Russel-
ville lodge,
No. 7.

Sec. 5. And be it further enacted, That the aforesaid James Davis, Peter Martin, John S. Fulton, Anthony White, Robert Gillaspie, James Frazier and George Higgason, or as many of them as may choose to serve shall, before they enter upon the duties assigned to them in this Act, enter into bond with sufficient security before the Judge of the County Court of Franklin, conditioned for the faithful discharge thereof; which bond may be put in suit in the name of the Governor of the State of Alabama for the time being, by any person injured by a breach of any of the provisions of this Act.

Managers
to enter in-
to bond.

Sec. 6. And be it further enacted, That it shall be the duty of the aforesaid persons, or as many of them as may choose to act, within ninety days from the completion of the drawing of said lottery, to pay to the fortunate drawers in said lottery, or tho their heirs or assigns, such prizes as may be due, agreeably to the scheme they may have determined on, and published.

To pay
prizes.

Sec. 7. And be it further enacted, That the drawing of said lottery may be in the town of Russelville, or at any other place that may be agreed upon by the managers aforesaid, giving due notice of the time and place of such drawing, which shall be conducted in such manner and under such regulations and responsibilities, as to the aforesaid persons may seem most expedient: Provided, That each clerk or other person concerned in the drawing shall take an oath before any Justice of the Peace, faithfully to discharge their respective duties.

Place of
drawing
lottery.

Clerk to
take oath.

Sec. 8. And be it further enacted, That if the said lottery be not drawn within one year after the scheme of the same shall have been published, the same shall cease, and the purchasers of tickets may demand and recover of the managers, or persons before named in the fourth and fifth sections of this Act, any money disbursed for tickets in said lottery.

Proceed-
ing, in case
lottery is
not drawn.

Sec. 9. And be it further enacted, That the managers aforesaid shall report to said Lodge, within six months after the

Managers
to report
progress

passage of this Act, and at such times thereafter as may be ordered by said Lodge, the progress made in the sale of tickets, or the drawing of said lottery.

Managers
to pay mo-
ney to or-
der of
lodge

Sec. 10. And be it further enacted, That the said managers shall pay over all and any monies which may be raise under this Act, to the order of said Lodge, or to such person or persons as may be authorized to receive the same by said Lodge, for the purpose of erecting and furnishing a Masonic Hall.

Lodge
may ac- sent
cept of lot
to erect
building
on.

Sec. 11. And be it further enacted, That the Master of said Lodge be, and he is hereby authorised by and with the consent of the officers and members of said Lodge, to acquire by said purchase, or accept as a donation, an eligible lot or parcel of ground ,not exceeding one acre, within the town of Russelville, on which to erect said Masonic Hall, and the title to or in said lot or parcel of land, with all and singular the appurtenances so obtained as aforesaid, shall vest and is hereby vested in the said Master, Officers and Members of said lodge and their successors in office to the sole use, benefit and behoof of said Lodge.

Property
vested in
lodge

Privilege
of raising
money by
lottery, ex-
tended to
all lodges
in the state

Sec. 12 And be it further enacted, That the Worshipful Master and Officers of every Lodge of ancient Free Masons in the State of Alabama, shall have the privilege of raising by lottery, the sum of three thousand dollars, for the use and benefit of their lodges, respectively, as prescribed by the provisions of this Act for the benefit of the Russelville Lodge, number seven of ancient Free Masons.

(Approved, December 3, 1821)

AN ACT

To fix the time for convening the General Assembly of the State of Alabama

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That from and after the passage of this Act, the General Assembly of this State shall convene on the third Monday in November in each and every year.

Sec.2. And be it further enacted, That all acts and parts of acts contrary to the true intent and meaning of this act, be, and the same are hereby , repealed.

(Approved, December 6, 1821.)

AN ACT

To alter the Boundaries of Bibb and Perry counties

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That all the part of Perry county contained in the north half of township twenty-one in range eleven be added to and form a part of Bibb county.

Sec. 2. And be it further enacted, that all that part of Bibb county contained in the south half of township twenty-two, range seven be added to, and form a part of, Perry county. (Approved, Dec. 17, 1824.)

AN ACT

To regulate the mode of issuing grants and patents in this State

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That for the conveyance or transfer of the right of lands, town lots, or other real estate in fee simple belonging to this State, to any person or persons company, body politic, or corporation a patent shall issue with the Great Seal of the State signed by the Governor, and attested by the Secretary of State.

Sec. 2. And be it further enacted, That all purchasers of lands, town lots, or any real estate, belonging to this State, their heirs, legal representatives or assigns may receive a patent for the same, upon his, her or their producing to the Secretary of State, a certificate or receipt signed by the Treasurer of this State, that the said purchaser or purchasers their heirs, legal representatives or assigns have satisfied or paid into the Treasury of this State, the legal amount due for such land, town lot, or other real estate; and it shall be the duty of the Governor, forthwith, to issue a patent to be said purchaser or purchasers their heirs, legal representatives or assigns, upon the production of the certificate or receipt as aforesaid.

Evidence
to author-
ise issu-
ance of
patent.

Sec.3. And be it further enacted, That it shall be the duty of the Secretary of State, to record in a strong bound book to be kept for that purpose, all grants and patents of what nature or kind soever, issued by this State, to any person or persons company, body politic or corporation.

Patents to
be record
ed

Sec. 4. And be it further enacted, That any person receiving a grant as aforesaid, shall pay therefor, upon the receipt thereof, to the Secretary of State, the sum of seventy-five cents

Fee

[Approved, Dec. 6, 1821]

AN ACT

To apportion the Representatives among the several counties of this State and to divide the State into Senatorial Districts according to the late census at a ratio of seventeen hundred and thirty for the representative.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the representation of the several counties of this State shall be apportioned in the following manner to wit: the county of Mobile, one; the county of Baldwin, one; the county of Washington, one; the county of Conecuh, and that part of Butler taken from Conecuh, three; the county of Monroe and that part of Butler taken from Monroe three; the county of Clark, two; the county of Henry, one; the county of Wilcox, one; the county of Dallas, and that part of Butler taken from Dallas, two; the county of Perry, two; the county of Marengo, one; the county of

State Re-
presenta-
tives ap-
portioned

Greene, two; the county of Tuskaloosa, and that part of Pickens taken from Tuskaloosa, three; the county of Autauga, one; the county of Bibb, two; the county of Montgomery, two; the county of Shelby, one; the county of St. Clair, two; the county of Jefferson, two; the county of Blount, one; the county of Marion, and that part of Pickens taken from Marion, one; the county of Franklin, two; the county of Lauderdale, two; the county of Limestone, four; the county of Lawrence, three; the county of Morgan, two; the county of Madison, seven; the counties of Jackson and Decatur, three.

Senators
apportion-
ed. Sec. 2. And be it further enacted, That the counties of Washington, Baldwin and Mobile, shall form one senatorial district; Conecuh, Covington, Pike and Henry, one; Monroe, one; Dallas, one; Wilcox and Clark, one; Marengo and Greene, one; Perry and Autauga, one; Bibb and Shelby, one; St. Clair and Blount, one; Jefferson, one; Tuskaloosa and Pickens, one; Marion and Franklin, one; Lawrence, one; Morgan one; Jackson and Decatur, one; Limestone, one; Madison, one; Lauderdale, one; Montgomery and Butler, one; each of which districts shall be entitled to one Senator and no more.

Returning
officers Sec. 3. And be it further enacted, That the sheriffs of the counties of Washington, Conecuh, Clark, Marengo, Perry, Shelby, Blount, Marion and Montgomery, shall be the returning officers for their respective districts; and the sheriffs of the other counties of the district shall make return to the returning officers, within ten days after the Senatorial election except the counties of Conecuh, Covington, Henry and Pike, which shall be allowed twenty days.

[Approved, Dec. 14, 1821]

AN ACT

To establish a Ferry and appoint Commissioners to lay out a Road therein named

Ferry es-
tablished Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That a ferry be and the same is hereby established over the Alabama river, at a place called the Big Bend, opposite to the town of Montgomery, and that the same be established in the proprietors of the town of Montgomery, and that they be allowed to ask, demand and receive the same rates of ferriage as are allowed by law at the nearest ferry on the said river.

Rates of
ferriage Sec. 2. And be it further enacted, That Robert Glen Clement Freeny, William Ashley, Bolling Hall, and Francis Lewis, be appointed, to mark out a road beginning at the aforesaid ferry, opposite to the town of Montgomery, and to run out to the north corner, between sections thirty three

and thirty four, and from thence along the line dividing sections twenty seven and twenty eight, in township seventeen and range seventeen, unto the north corner of said sections, and from said corner to continue on in such direction, as said commissioners may think proper, to intersect the road leading from Bolling Hall's to Pine Flat in Autauga county.

Sec. 3. And be it further enacted, That as soon as said commissioners shall have marked out said road, they shall report the same to the county court of Autauga county, whose duty it shall be, to appoint overseers for said road, and to have hands apportioned to open and keep in repair the said road. And if the said commissioners at the time they mark and lay out the said road, should assess any damages to the owners of the land, where the said road may run the citizens of Montgomery and Autauga counties petitioning for said road, shall pay all such damages.

Sec. 4. And be it further enacted, That the petition praying for the road herein established shall be deposited in the clerk's office of Autauga county, and that a copy thereof shall be filed in the clerk's office in Montgomery county. [Approved, Dec. 12, 1821]

AN ACT

Authorising Edwin Lewis to open and construct a Road in Mobile county, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Edwin Lewis be, and he is hereby authorized to open and construct a road (with all necessary bridges and causeways on the same,) leading from the place of Hugh H. Ralston in Mobile county, across Three-Mile creek at the Saw-mill of the said Lewis, and thence in the most direct and practicable route to intersect the road from Mobile to Winchester, at or near Mrs. Harrold's place, being a distance of about eight miles.

Sec. 2. And be it further enacted, That the said Lewis shall be entitled to receive, as compensation for making and keeping said road in good repair, fifty cents for every four wheel carriage, for passing the whole length of the same; for every two wheel carriage, twenty-five cents; and for every horse and rider, twelve and a half cents.

Sec. 3. And be it further enacted, That the said Edwin Lewis, his heirs, or legal representatives shall be, and they are hereby vested with the exclusive right and authority to demand and receive the above rates of toll for the term of twelve years: Provided, said road be completed within six months from the passage of this act: And provided also, that only one gate shall be erected on, said road: and that

Commis-
sioners ap-
pointed.
Route of
road
Comm'rs
to report to
c'ty court.
May assess
damages
who to pay
damages.
Petition to
be filed in
clerks of
fice

Route of
Road.

Toll al-
lowed

Right to
to receive
toll vested

Proviso

Rates of toll to be posted up Com'ers to examine Road. Gate may be thrown open Precinct in Perry cty. City court of Monroe impose tax

the rates of toll be constantly kept posted up thereat in view of the traveller: Provided also, that before toll shall be exacted as aforesaid, a majority of the road commissioners of Mobile county shall examine and declare said road in good order.

Sec. 4. And be it further enacted, That the county court of Mobile shall have power at any time, to throw open by order, the aforesaid gate, if on the report of the road commissioners, the road as aforesaid should at any time be deemed out of order.

Sec. 5. And be it further enacted, That an election precinct is hereby established at the house of John Martin on the waters of Big Mulberry creek, in the county of Perry.

Sec. 6 .And be it further enacted, That the county court of Monroe county, in addition to the power already granted, shall be, and they are hereby, authorized and required to impose such additional tax, as may be necessary to complete the public building in said county.

(Approved December 18, 1821)

AN ACT

Expressing the Gratitude of the State of Alabama , for the services rendered by Samuel Dale to this State

Section 1. Whereas, the Territory now composing the State of Alabama was, during our late contest with the British Government , subjected to all the hardships and cruelties, which a relentless war, waged by the merciless savage is calculated to produce: And whereas our venerable citizen, Colonel Samuel Dale was the first to interpose his bid, and save its defenceless inhabitants from Indian rapine and Indian barbarity, who, during our bloody conflict with the Creek Nation, exposed himself to privations, hardships' and difficulties that have impaired his constitution and reduced him to indigence: And whereas the said Colonel Samuel Dale, not having it in his power from the situation of the country, to produce to the General Government sufficient vouchers to prove his services, his sufferings, and his losses, by which he has failed to receive even justice from that quarter: And whereas we the Representatives of the people of the State of Alabama, feeling it a duty we owe to ourselves and our constituents, not only to remunerate him for losses actually sustained, but also to compensate him for his distinguished services:

Preamble

Therefore, Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Treasurer be, and he is hereby, required to pay to the said Colonel Samuel Dale, half the pay now allowed by the General Government to Colonels in the

army of the United States. And that he is hereby declared a Brevet Brigadier General in the militia of this State, and shall rank as such whenever called into the service of this State. And the Governor is hereby required to commission him accordingly; and that the Treasurer is authorized and required to pay to the said Brevet Brigadier General Samuel Dale, on the first day of January in each and every year, the half pay as aforesaid, for and during his life, out of any monies in the treasury not otherwise appropriated. [Approved, December 15, 1821.]

Pay allowed
Colonel
Dale.
Rank
Governor
to commission him.

AN ACT

To authorize William Crawford and company of Franklin County, to build a Mill and other water works on the Tennessee River and for other purpose.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened. That William Crawford and Company of Franklin County be, and they are hereby authorized to build a Mill and any other water works on the Tennessee River opposite and adjoining to fractional Section Number Seventeen in Township Number three, Range Number ten, west of the basis meridian, in the district of lands sold at Huntsville.

may build
mill &c

Sec. 2. And be it further enacted, That the said William Crawford and Company are hereby authorized to extend the Dams of the said Mill and other water-works, up the said River and opposite to fractional section Number Seventeen, in said Township and Range.

may extend
dam.

Sec. 3. And be it further enacted, That the said Mill-Dam and water works, shall be so constructed, as in no wise to impede the free passage, and Navigation of the said Tennessee, for all kinds of vessels, or water crafts under the penalty of having the same removed as a nuisance, by order of any court having competent jurisdiction thereof; and the said William Crawford and Company, their heirs, representatives, and assigns, shall be liable to be sued for all damages arising from any obstruction of the Navigation of said River, by the erection of the aforesaid Mill or other water-works.

penalty for
obstruct
navigation

Sec. 4. And be it further enacted, That the Act passed on the twelfth day of June one thousand eight hundred and twenty one, to authorize Malcom Gilchrist of Lawrence County to build a Mill and other water works on the Muscle Shoals, be, and the same is hereby, repealed.

repeal

Sec. 5. And be it further enacted, That the said Malcom Gilchrist be, and he is hereby, authorized, to build a Mill and any other water works on the Muscle Shoals on the Tennessee River, opposite and adjoining to fractional Sec-

Gilchrist
may build
mill &c

tion Number twenty six in Township Number three, Range Number seven, West of the basis Meridian, in the district of lands sold at Huntsville.

Sec. 6. And be it further enacted, That the said Malcom Gilchrist is hereby authorized to extend the dams of the same Mill and other water works, up the said River, and opposite to fractional section Number twenty five, in said Township and Range.

Sec. 7. And be it further enacted, That the said Mill Dam, and water works shall be so constructed as in no wise to impede the free passage and Navigation of the said River, for all kinds of vessels, or water crafts, under the penalty of the having the same removed as a nuisance, by order of any court having competent jurisdiction thereof; and the said Malcom Gilchrist, his heirs, representatives and assigns, shall be liable to be sued for all damages arising from any obstruction of the Navigation of said River, by the erection of said Mill or other water-works.

[Approved, Dec. 3. , 1821]

AN ACT

Appointing Commissioners to lay out a certain Road therein designated

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Samuel Mardis, Edward Sims, Jonathan

Commissioners appointed Music, Hansel M'Kenny, Thomas Williams and James Drennin, be, and they are hereby, appointed commissioners who, or a majority of who, are hereby authorized,

to lay out and mark the nearest and best way for a road to be opened, beginning at such point as they may deem proper, on the road leading from Huntsville to Tuskaloosa, and running from thence to or near Fort Williams on the

Coosa river, in such manner as to shorten the distance to the settlements in Georgia: Provided nevertheless, that the said commissioners shall not be entitled to receive compensation for their services, from the State of Alabama.

[Approved December 3d, 1821]

AN ACT

To allow compensation to William Dunn for examining the Black Warrior River, above the town of Tuskaloosa.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the sum of one hundred and twenty dollars is hereby allowed to William Dunn, for his services and expenses in examining the Black Warrior River, above the town of Tuskaloosa, and that the Treasurer of the State is hereby directed to pay the aforesaid sum to the said William Dunn, out of any money in the treasury not otherwise appointed. [Approved, Dec. 3rd, 1821]

AN ACT

To establish additional Election precincts in certain counties therein named, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That there shall be three additional election precincts in the county of Lauderdale; one at the house of William Howe Esq. living on the military road; one at the house of Andrew M'Mickens Esq' and one at the house of Joel Burrows Esq.

In Lauderdale

Sec. 2. And be it further enacted, That an election precinct be, and is hereby established, at the house of Henry Robertson in the Coosa Valley in the County of Shelby in addition to those already recognized by law in said county.

Shelby

Sec. 3. And be it further enacted, That an election precinct be, and is hereby established, at the house of David Hendrick in the County of Conecuh, in addition to those already recognized by law in said County.

Conecuh

Sec. 4. And be it further enacted, That an additional election precinct be and is hereby established, in the County of Lawrence, at the house of Joseph Scales on Town Creek, where the road leading from Courtland to the Big Spring crosses the same.

Lawrence

Sec. 5. And be it further enacted, That there be an additional election precinct held in the County of Baldwin, at the house of William Weeks on Fish river.

Baldwin

Sec. 6. And be it further enacted, That there be an additional election precinct in the County of Pickens, at the house of Holland.

Pickens

Sec. 7. And be it further enacted, That there be two additional election precincts in the County of Lawrence at the house of Washington McGaha, in McGaha's settlement and the other at the house of Nathaniel Norwood in Section sixteen, Township seven, and Range six.

Lawrence

Sec. 8. And be it further enacted, That there be three additional election precincts in the County of Monroe, one at the house of John Welch; one at the house of Lark Abney; and one at Gaines-town

Monroe

Sec. 9. And be it further enacted, That there shall be an additional election precinct in the County of Monroe at the house of Arthur Foster.

Monroe

Sec. 10. And be it further enacted, That the election precinct heretofore established at the Choctaw Bluff be, and the same is hereby made void.

discontinued.

Sec. 11. And be it further enacted, That the election precinct heretofore established at Cumming's Mills in the County of Conecuh, be and the same is hereby, discontinued; And that an additional election precinct be established at Zuber's store in said County.

Precinct
Conecuh.

- Limestone. Sec. 12. And be it further enacted, That the election heretofore held at Straing's mill in Limestone County be hereafter held at the dwelling house of the said Edmund Straing, in said County.
- St. Clair Sec. 13. And be it further enacted, That there shall be an additional election precinct held at the Muster Ground of Captain Nutts in the County of St. Clair
- Madison. Sec. 14. And be it further enacted, That there shall be one additional election precinct at the house of Captain Jacobs, at Ditto's landing in Madison County.
- Jefferson Sec. 15. And be it further enacted, That there be an additional election precinct, at a place called the Old town in Jefferson County.
- Repeal Sec. 16. And be it further enacted, That the third section of an Act, to repeal the second section of an Act passed the twentieth December one thousand eight hundred and twenty to establish certain election precincts therein mentioned, and for other purposes be, and the same is hereby repealed.
- Precinct at Squire Saunders' Sec. 17. And be it further enacted, That the election precinct formerly held at Squire Lindsey's be discontinued, and in future held at Squire Saunders.
- Meridianville. Sec. 18. And be it further enacted, That there shall be an additional election precinct at the house of Drury Connally in Meridianville in Madison County.
- at Farler's Sec. 19. And be it further enacted, That there shall be an additional election precinct established at the house of Mr. Farler, the place where Abraham Lewis formerly lived, on the road leading from Huntsville to Colonel Burrus's in Madison County.
- In Dallas Sec. 20. And be it further enacted, That there shall be an additional election precinct at the house of Joseph Van, for the County of Dallas; and an additional election precinct at the house of Michael Carter, for Henry County
- Commencement Sec. 21. And be it further enacted, That this Act shall commence and be in force from and after the passage thereof. [Approved, December 3, 1821.]

AN ACT

To repeal so much of the third section of an Act, entitled an Act to reduce the expenses of the General Assembly and for other purposes, passed at Cahawba the 15th day of June, 1821, as is herein specified.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That so much of the third section of an Act passed at Cahawba, on the fifteenth day of June, eighteen hundred and twenty-one, entitled an Act to reduce the expenses of the General Assembly and for other purposes as relates to the salaries of the solicitors of this State be and the same is hereby, repealed. (Approved, Dec. 13, 1821)

AN ACT

To fix the temporary seat of Justice in the County of Bibb

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Henry W. Stephens, Agrippa Atkinson, and Ansel Sawyer, be , and they are hereby, appointed commissioners who or a majority of whom, shall, on or before the first day of April next, fix the temporary seat of justice at the center of said county, or at the most eligible place within two miles thereof; and who shall , before entering on the duties required of them by this Act, take the following oath, before some Judge, or Justice of the Peace for said county, to wit: "We do solemnly swear (or affirm as as the case may be) that we will truly and impartially perform all the duties required of us by an act entitled, An Act to fix the temporary seat of Justice in the County of Bibb."

Commis
sioners ap
pointed.
To fix tem-
po'ry seat

Oath to be
taken

Sec. 2. And be it further enacted, That the said Commissioners shall, within ten days after fixing said site, report the same to the clerk of the County Court of said county; and shall also, as soon as there are sufficient accommodations for holding Courts at the site so fixed upon, report the same to the said clerk.

To report
to clerk

Sec. 3. And be it further enacted, That the clerk of said Court shall on the receipt of said report, immediately give notice by advertisement at three of the most Public places in said County, that the site so fixed upon is ready for the accommodation of Courts sitting in said County; and thereafter the same shall be the temporary Seat of Justice of said county.

Clerk to
give notice

Sec. 4. And be it further enacted, That the said commissioners shall each receive as a full compensation for the services required of them by this Act, the sum of ten dollars, to be paid out of any money in the Treasury of said county, not otherwise appropriated.

Commis
sioner's
compensa
tion

(Approved, November 27, 1821)

AN ACT

To establish the permanent seat of Justice in the County of Shelby

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That David Neal, Job Mason, Benjamin C. Heaslet, Ezekiel Henry, Henry Avery, James Franklin, and Thomas Beacher, Sen'r be, and are hereby appointed commissioners for the purpose of fixing on the most convenient place, for the seat of Justice and establishing the public Buildings, in the said county.

Commis
sioners ap
pointed.

Sec. 2. And be it further enacted, That the said commissioners or a majority of them, shall have power and

May procure land on which to erect buildings
 Lay out lots
 authority, to procure by purchase or otherwise, not less than ten , nor more then forty acres of land, at the most convenient and suitable place, for the erection of the public buildings aforesaid; which tract of land when obtained either by purchase or otherwise as aforesaid, they shall receive a good and sufficient title for the same in fee simple which shall be laid out into half acre lots by the said commissioners (reserving two acres at least, upon which the public buildings shall be erected,) and be sold either at public or private sale, in such manner as a majority of them may deem best, who shall be authorized to convey a good and sufficient title to the purchaser, the nett proceeds of which after paying for the land aforesaid, if the same shall be purchased, shall be applied by said commissioners towards defraying the expenses of erecting the public buildings of the said county.

Contract for public Buildings
 Sec. 3. And be it further enacted, That the said commissioners of a majority of them, shall have power to contract for all the necessary public buildings for the county aforesaid, shall fix their several constructions, and superintend reject, or receive the same, when completed.

Oath to be taken by commissioners
 Sec. 4. And be it further enacted, That the said commissioners or such of them as may choose to act, (there being a majority of the whole,) shall meet at the place of holding court in said county, on the third Monday in March next, and there take and subscribe the following oath before some Justice of the Peace, viz: " I _____ do solemnly swear, that I will well and truly perform all the duties required of me as commissioner, for fixing on the seat of Justice for Shelby county, pursuant to an Act of the Legislature, passed for that purpose, to the best of my knowledge and ability, without favour or partiality to men or places, so help me God."

County Court may levy tax
 Sec. 5. And be it further enacted, That for the purpose of carrying this Act into effect, the commissioners court of said county are authorized and required, to lay a tax, not exceeding one fourth of the amount of the State tax, on the persons and property of the inhabitants of said county, liable to taxation.

Tempor'y seat of Justice
 Sec. 6. And be it further enacted, That until the permanent seat of Justice in said county shall be fixed agreeably to this Act, the temporary seat shall remain at the place where court is now held in said county; Provided, that as soon as the public buildings are in sufficient readiness to receive the courts, the same shall be adjourned thereto by them, respectively.

Com-mecomn't
 Sec. 7. And be it further enacted, That this Act shall be in force, from and after the passage thereof.

(Approved, December 3, 1821)

AN ACT

To establish certain election precincts therein named, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That there shall be two election precincts in the county of Greene, in addition to those heretofore established, to wit; one at Rodon's store, between the rivers Tombeckbe, and Black Warrior, and one at Capt. M'Daniel's muster ground , between said rivers.

Precints
in Greene

Sec. 2. And be it further enacted, That there shall be one election precinct in the county of Marengo, in addition to those heretofore established to wit: at the house of Captain Russell, on the north side of the Chickasaw- Bogue creek in said county.

Marengo

Sec. 3. And be it further enacted, That the election precinct heretofore established at the house of Joseph Britain and at Woodley's for Perry county be, and the same are hereby , discontinued; and an election precinct is hereby established at the house of John Martin, in said county.

Perry discontinued.

New one.

Sec. 4. And be it further enacted, That in the county of Dallas, there shall be an additional election precinct at the house of John Rose, near Cedar creek.

Dallas

Sec. 5. And be it further enacted, That one additional election precinct is hereby established at the house of Robert Lewis, in the county of Mobile.

Mobile

Sec. 6. And be it further enacted, That two election precincts be and are hereby, established in the county of Pike; one at the house of Andrew Townsend, and the other at the house of Jacinth Jackson.

Pike

Sec. 7. And be it further enacted, That there be, and is hereby established, an election precinct at the house of John Jenkins, in the county of Wilcox, in addition to those already established by law within said county.

Wilcox

Sec. 8. And be it further enacted, That there shall be an additional election precinct in the county of Butler, at Ernest's store.

Butler

Sec. 9. And be it further enacted, That there shall be an additional election precinct established at the house of George Nevil, in the county of Decatur

Decatur

Sec. 10. And be it further enacted, That there shall be an additional election precinct at the house of Joel Rayburn in the county of Tuskaloosa.

Tuskaloosa

Sec. 11. And be it further enacted, That another election precinct shall be established at the house of Warren Truss, in the county of Jefferson.

Jefferson

Sec. 12. And be it further enacted, That there be an election precinct in the county of Baldwin, at the house of Thomas G. Holmes and the one heretofore established at the store of Joseph Mims, be, and the same is hereby , discontinued. [Approved, Dec. 12, 1821]

Baldwin

AN ACT

Authorizing the Governor to borrow a certain sum of money therein mentioned and to settle the debt due by the State to the Huntsville Bank.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor of this State is hereby au-

\$15,000 to be borrow- ed. thORIZED to procure from any of the specie paying banks, a loan or loans of money, not exceeding fifteen thousand dollars , for the use and benefit of the State of Alabama; which loan shall be accomplished in such sum or sums, and at such times as will answer the purposes of the State, after the passage of this act.

Sec. 2. And be it further enacted, That the Governor is hereby authorized to pledge so much of the revenue to be

Revenue to be pledg- ed. raised for the year one thousand eight hundred and twenty two, as will be sufficient to discharge said loan, on or before the first day of January, one thousand eight hundred and twenty three.

Sec. 3. And be it further enacted, That the Governor pay or cause to be paid off, the debt due by this State to the Huntsville Bank, in the notes of that Bank, which now are, or hereafter may come into the Treasury.

Huntsville bank to be paid.

[Approved, Nov. 29, 1821.]

 AN ACT

Providing for certain Officers.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly

For John Cuning- ham. convened, That the Comptroller is directed to issue his warrant in favour of John Cunningham, jailor of St. Clair county, for the sum of thirty-four dollars and eighty cents, for supporting William S. Bentley and Isaac Crew, in the jail of said county.

Sec. 2. And be it further enacted, That the Comptrol- ler is hereby required to issue his warrant in favour of John Bush, sheriff of St. Clair, for the sum of twelve dollars and

For John Bush sixty cents, for supporting Allen Waldrope, in the jail of said county; and the sum of forty seven dollars and forty cents is hereby appropriated, for the purpose of carrying into effect the provisions of this act.

[Approved, December 15, 1821]

 AN ACT

To alter the Boundary Line between the counties of Clark and Monroe.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the whole of the Fraction of Section eight, in Township seven of Range four east, which now lies in Monroe county be, and the same is hereby, added to, and made a part of, Clarke county.

(Approved, November 28, 1821.)

AN ACT

To appoint Commissioners for certain counties therein named, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,

That William Carter, Jun. James R. Mobly, Aaron Lockhart, Henry Jones and Abel Polk, be and they are hereby appointed commissioners of the county of Covington; that Andrew Townsend, Alexander McCall, Jacinth Jackson, Daniel Lewis and William Cox, be and they are hereby, appointed commissioners of the county of Pike, and that William Beauchamp, Robert Irvin, William Irvin, Stephen Matthews, and James Rabb, be, and they are hereby, appointed commissioners of the county of Henry; who or a majority of whom shall have power in their respective counties, to fix and designate a suitable place for a seat of Justice, and to contract for, and superintend the erection of such public buildings for the use of their respective counties, as they may deem necessary; and that notice shall be given by the respective commissioners, aforesaid, at three or more public places in their counties, of the time and place of letting said buildings and they shall let the same to the lowest bidder, who shall enter into bond with sufficient security to said commissioners for the faithful performance of his contract.

Sec. 2. And be it further enacted, That a majority of the commissioners for the county of Covington, shall, on the third Monday of March next, at the house of Aaron Lockhart, hold an election for a Sheriff, a Clerk of the Circuit Court, and a Clerk of the County Court for said county; and that a majority of the commissioners of Pike county shall on the third Monday of March next at the house of Andrew Townsend, hold an election for a Sheriff, a Clerk of the Circuit Court, and a Clerk of the County Court of said county.

Sec. 3. And be it further enacted, That the Sheriffs and Clerks of said counties, elected in conformity with the provisions of this Act, shall continue to hold and exercise the duties of their respective offices, during the period for which in conformity with the law, they shall have been elected.

Sec. 4. And be it further enacted, That the commissioners aforesaid, be, and they are hereby, empowered to receive and obtain from the Treasurer of their respective counties, such sum of money remaining in the treasury, as may be sufficient to compensate the undertakers of the public buildings, within their respective counties, which may be contracted for with such undertakers, and to remunerate themselves for the actual expenses, which, in the execution of their duties as commissioners aforesaid, they may through necessity incur.

Commis'rs
for Coving-
ton county.

For Pike
county

For Henry
May fix s't
of justice
and erect
pub. build
ings.

To give
notice of
time of let-
ting build-
ings.

Underta-
ker to give
bond.

Commis'rs
of Coving-
ton to hold
election
for Sheriff
and Cl'ks.

Pike to
hold elec-
tion for

Sheriff and
Clerks.

Sheriffs &
Clerks to
hold office

as pre-
scribed by
law.

Commis'rs
to pay un-
dertakers

out of c'ty
treasury

Their re-

muera-
tion.

County Court of Henry may levy tax. 20 days to make re- turns of election Commis'rs of roads & revenue to be elected for Covington. Election precincts in Covington estab- lished. Commis'rs for Wilcox. Tempora- ry seat of justice for Pike c'nty.

Sec. 5. And be it further enacted, That the Judge of the County Court and commissioners of roads and revenue of Henry county, be, and they are hereby authorized to levy an extra tax, not exceeding twenty five per centum upon the amount of the general tax, for county purposes.

Sec. 6. And be it further enacted, That twenty days shall hereafter be allowed for making returns from general elec- tions, for a Senator and Representatives to the counties of Conecuh, Henry, Covington, and Pike, any law to the con- trary notwithstanding.

Sec. 7. And be it further enacted, That commissioners of the revenue and roads shall be elected, at the time and place provided for by this Act, for the election of a Sheriff and Clerks for Covington county, under such regulations as are prescribed by law; and that the election precincts here- tofore established in that part of Henry , which is now known by the name of Covington county, shall be, and they are hereby established as precincts for Covington county.

Sec. 8. And be it further enacted, That John Jenkins, Benjamin Hoff, and Robert H. Scott, be, and they are here- by appointed commissioners, to contract for, and superin- tend the public buildings in the county of Wilcox.

Sec. 9. And be it further enacted, That until the com- missioners of the county of Pike, shall select and fix upon a site for the seat of Justice in said county, the temporary seat be, and is hereby established, at the house of Andrew Townsend in the aforesaid county.

(Approved, Dec. 18, 1821.)

AN ACT

To extend the time for collecting the tax and making returns, to the per- sons therein named.

Section 1. Be it enacted by the Senate and House of Re- presentatives of the State of Alabama in General Assembly convened, That the tax collector of Madison county be, and he is hereby allowed until the first day of March next, to collect the taxes and make returns into the Treasury, any law to the contrary notwithstanding.

Lawrence Sec. 2. And be it further enacted, That the tax collec- tor of Lawrence county, shall be allowed, until the first day of April next, to make returns and pay over the revenue into the Treasury.

Sums al- ready col- lected to be paid in- to treasu'y Time ex- tended to collector

Sec. 3. And be it further enacted, That the said sher- iffs be, and they are hereby required, to pay into the Trea- sury of the State, such part of the money due from the said counties as they may have collected, agreeable to the requisition of the former law.

Sec. 4. And be it further enacted, That the tax collec- tor of Franklin county, shall be allowed until the first day

of March next, to make returns and pay over the revenue into the Treasury.

Sec. 5. And be it further enacted, That this Act, so far as the same extends relief to the persons therein named, or so far as the same may affect their securities, shall be of no force or validity; unless the several persons embraced therein shall enter into bond, with good and sufficient security to be approved of by the Judge of the County Court of their respective counties, conditioned for the payment of the amount of taxes due from them, respectively in to the State Treasury at the periods designated in this Act.

(Approved December 17, 1821)

AN ACT

To establish certain counties therein named and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the eastern boundary of Montgomery county be, and the same is hereby altered, and that the same be made the line, between ranges twenty and twenty-one east of the basis meridian.

Boundary
of Mont-
gomery

changed

Sec. 2. And be it further enacted, That all that tract of country, bounded as follows to wit: beginning at the thirty-first degree of north latitude at a point in the line between ranges thirteen and fourteen; thence north along said line, to the southern boundary of Butler county; thence east along said line to the south east corner of said county; thence along the eastern boundary of Butler county to the line between townships eight and nine; thence east along said line to the line between ranges twenty-one and twenty-two; thence running south to the thirty-first degree of north latitude; thence west to the beginning, shall constitute a separate county to be known and called by the name of Covington.

Covington
C'nty es-
tablished

Bound'ries

Sec. 3. And be it further enacted, That all that tract of country, bounded as follows, to wit: beginning at the thirty-first degree of north latitude, at a point in the range line between ranges twenty-one and twenty-two; thence running north along said line, to the township line between townships eight and nine; thence east along said line, to the Indian boundary line formed by the treaty of Fort Jackson; thence along said boundary line to the Chattahooche river; thence down said river, to the thirty-first degree of north latitude; thence west to the beginning, shall form a separate and distinct county, and retain the name of Henry.

Henry
bound'ries
changed

Sec. 4. And be it further enacted, That all that tract of country bounded as follows, to wit: beginning at a point on the line between ranges seventeen and eighteen, where it intersects with the line between townships eight and nine;

Pike C'nty
establish'd
Bound'ries

thence running north along said line, between ranges seventeen and eighteen to the line between townships eleven and twelve; thence east along said line, to the line between townships twenty and twenty-one; thence north along said line, to the eastern boundary of the State of Alabama; thence along said boundary, to the line between townships eight and nine; thence west along said line, to the beginning shall constitute one separate and distinct county, to be called and known by the name of Pike.

Jackson-
boundary
changed

Sec. 5. And be it further enacted, That the boundaries of Jackson county shall hereafter be as follows, to wit: beginning at the mouth of Sauta creek, thence up said creek to where the Winchester road crosses the same; thence on a straight line, to the south end of a ridge east of said creek, which divides the waters of Sauta creek from the waters of Roseberry creek; thence with the extreme height of said ridge, to the Winchester road, on the top of the mountain, above William Hoskin's; thence with said road, to the Pole Bridge branch; thence on a straight line to Paint-Rock river, one mile below the mouth of the Lick Fork of said river; thence on a line due west, to the extreme height of the mountain that divides the waters of Paint Rock river from the waters of Flint river; thence with the extreme height of said mountain, northward to the Tennessee State line; thence east with said line, to where it strikes the Tennessee river; thence down the same, to the beginning.

Decatur
establish'd
Bound'ries

Sec. 6. And be it further enacted, That all that tract of country lying west of Jackson county, south of the Tennessee State line, east of Madison county, and north of the Tennessee river, shall constitute a separate and distinct county, to be known and called by the name of Decatur.

Jursidict'n

Sec. 7. And be it further enacted, That Decatur county shall have criminal jurisdiction over all that tract of country within the limits of the Cherokee nation of Indians, which lies west of Willstown Valley, and east of the road leading from Ditto's landing to the town of Blountsville.

Repeal

Sec. 8. And be it further enacted, That all Acts and parts of Acts, contrary to this Act, are hereby repealed.

[Approved, Dec. 7, 1821]

AN ACT

To alter and extend the Boundaries of Limestone county.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in general Assembly convened, That all that tract of country which has hitherto been a part of Lauderdale county, and which lies in the fork between the rivers Tennessee and Elk, be, and the same is hereby added to, and shall in future comprise a part of the county of Limestone. [Approved, Nov. 27, 1821]

AN ACT

To establish the temporary seat of Justice in the County of Decatur, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Robert M Carny, James G. Holmes, John Cannimore, John Snow, and Alexander W. Dulaney, or a majority of them, be and they are hereby appointed commissioners to fix on a site for the temporary seat of Justice for the county aforesaid, and the site selected by said commissioners, shall be and remain in the seat of Justice until the public lands of the United States, lying in said county, are sold and further provision shall be made by law to fix the permanent seat of Justice in said county.

Commissioners appointed.

Temporary seat to be selected.

Sec. 2. And be it further enacted, That the aforesaid commissioners shall have power to contract for, and superintend, the building a temporary court house and Jail for said county; And it shall be the duty of the said commissioners to accept propositions and donations for completing said buildings, so as to relieve the county from taxation or as little expense as possible.

Commissioners to erect temporary buildings

Sec. 3. And be it further enacted, That the commissioners aforesaid shall, before they enter upon their duty, take the following oath, to wit: "I _____ do solemnly swear (or affirm) that I will discharge the duty imposed on me as a commissioner for the county of Decatur, without partiality of favour, so help me God."

Oath to be taken by commissioners

Sec. 4. And be it further enacted, That there shall be an election held in the aforesaid county, on the second Monday in February in the different precincts, for the election of a clerk of the Circuit court, and a clerk of the County Court, and a Sheriff: which election shall be held by one Justice of the Peace and two house holders in each election precinct; to be conducted in the same manner, and under the same rules and regulations, as elections are held for electing members of the General Assembly.

Election to be held for county officers

Who to hold.

Manner of conducting.

Sec. 5. And be it further enacted, That Joseph Kirby, Benjamin Cloud, Thomas Russel, John Hancock, James Scruggs, John M'Vary, and M'Laud Cross, be and they are hereby appointed commissioners to fix on a site for the temporary seat of Justice for the County of Jackson, in the same manner and under the same regulations, pointed out for fixing the temporary seat of Justice in the County of Decatur.

Commissioners for Jackson. fix temporary seat.

Sec. 6. And be it further enacted, That the clerks of the Circuit and County Courts for Jackson County, shall immediately after the elections provided to be holden in the fourth section of this Act, transfer all the records and Judi-

Clerks to transfer records

- Process returned to Decatur. cial proceedings in their possession, to the clerks of the Circuit and County Courts, respectively of the county of Decatur together with a transcript of all the proceedings and papers that of right belong to said county, that may be in their possession, and all process that may be issued against persons residing in the county of Decatur, shall be made returnable to the County and Circuit Courts of Decatur.
- County Court to levy tax for erecting buildings. Proviso: tax not exceed 1-4 of State tax. Sec. 7. And be it further enacted, That it shall be the duty of the Judges and commissioners of the County Courts of Jackson and Decatur, to levy a tax on all taxable property in their respective counties to be applied to the erecting a temporary Court House and Jail; provided, such tax should be found necessary : Provided, that said tax shall not exceed one fourth the amount of the State tax in said counties.
- Pickens County commis's elected for To select site for pub. buildings. Sec. 8. And be it further enacted, That the Sheriff of Pickens county shall hold a poll, at the next General election in the said county, for the purpose of electing five Commissioners, resident citizens thereof, for the purpose of selecting and fixing upon the most eligible site for the public buildings for the said county, having regard to the natural conveniences and general interest of the same; which election shall be conducted, strictly pursuant to the existing election laws of this State.
- Oath to be taken. Sec. 9. And be it further enacted, That the said commissioners (and in all cases a majority of them shall be sufficient for the discharge of business) shall, before they enter upon the duties herein to them assigned, take and subscribe the following oath. " I, A. B. do solemnly swear (or affirm.) that I will select and fix the site for the public buildings and seat of Justice in the county of Pickens, agreeably to the provisions of this Act, without favour of partiality, to the best of my judgment and belief."
- To purchase land. Sec. 10. And be it further enacted, That the aforesaid commissioners shall have power, to obtain by purchase or otherwise, a tract of land not exceeding one hundred and sixty acres, for the site of the public Buildings; and after reserving a sufficiency for county purposes to lay off the balance, or as much thereof, as they may deem expedient into lots of convenient sizes, and expose the same to public sale, giving at least thirty days notice in the "American Mirror," and at three or more public places in the said county, on such terms as they may think proper.
- May sell lots. Sec. 11. And be it further enacted, That the said commissioners, after selecting the place for the seat of Justice, shall proceed to let out to the lowest undertaker, the building of a court house, jail and necessary buildings for the said county, by giving the same notice as is prescribed.
- To let out buildings to lowest bidder

for, in the preceding section, and shall take of the undertaker or undertakers, bond with sufficient security, payable to them as commissioners in double the sum at which the said buildings may be let, conditioned for the faithful performance of the work, according to the plan by them devised, and in due time.

Take bond
from un-
dertaker

Sec. 12. And be it further enacted, That the said commissioners shall make a report of the whole of their proceedings, to the clerk of the County Court of Pickens county who shall duly record the same. And to carry into effect the said purchase, there may be applied any money in the county treasury, not otherwise appropriated; and that the place when so selected, so soon as the public buildings may be fit for the reception of the court, shall be the permanent site for the seat of Justice for Pickens county: and that the commissioners shall be entitled to receive such compensation for their services, as may be adjudged them by the County Court.

Report
proceed-
ings to
County
Court

Commis'rs
to receive
compensa-
tion.

Sec. 13. And be it further enacted, That this act shall be in force; from and after the passage thereof.

Com-
mencem't

(Approved December 13, 1821)

AN ACT

To authorize the County Court of Butler county to compensate the commissioners heretofore appointed to fix the seat of Justice for said County, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Judge and commissioners of revenue and roads, of the county of Butler, be, and they are hereby authorized, to allow such compensation to the commissioners heretofore appointed to fix upon the seat of Justice for said County, and their successors, as they may deem reasonable and just; and that said allowance be paid out of the county treasury of said County.

C'ty C't
to allow
compensa-
tion.
Paid out
of County
Treasury

Sec. 2. And be it further enacted, That Ward Taylor and Isaac Cook, be, and they are hereby appointed commissioners for fixing the seat of Justice in Butler county, and to discharge the duties required of said commissioners by the sixth section of an Act passed December the seventh eighteen hundred and twenty. entitled, "an Act to authorize the County Court of Conecuh county to levy a tax for building a Court House and jail, and for other purposes," in place of Taliaferro Livingston, and John Carter, who have declined acting.

Commis'rs
to fix seat
of justice

Sec. 3. And be it further enacted, That an additional election precinct be established at Buttsville in Butler county: and that the election precinct heretofore established at Fort Dale, be, and the same is hereby discontinued.

Election
precinct.

[Approved, Dec 15, 1821]

AN ACT

Authorizing a Lottery for the benefit of building an Academy in the town of Montgomery

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That it shall and may be lawful for Clement Free

Managers appointed ny, Ebenezer D. Washburn and William Graham, or a majority of them, who may take upon them the duties enjoined by this Act, to raise by lottery in one or more classes as to

Sum to be raised. them may seem necessary any sum not exceeding five thousand dollars, to be appropriated, exclusively to the building of an Academy in said town.

Sec. 2. And be it further enacted, That the said Clement Freeny, Ebenezer D. Washburn, and William Graham, or such majority of them as may choose to serve, shall before they enter upon the duties to them assigned in this

Enter into bond. act, enter into bond with sufficient security payable to the Governor for the time being, and his successors in office, before the Judge of the County Court of Montgomery county, conditioned for the faithful performance of all the duties of them required by this Act, which bond, by the Judge

May be put in suit shall be filed in the Clerk's office of the Circuit Court of Montgomery county, and may be put in suit in the name of the Governor of the State of Alabama for the time being by any person or persons who may be injured by a breach of any of the provisions of this act.

Managers to pay prizes. Sec. 3. And be it further enacted, That it shall be the duty of the said persons, or such of them as may choose to act under this law, within ninety days after the completion of the drawing of the lottery aforesaid, to pay to the fortunate drawers in said lottery, or to his, her or their legal representatives, such prize as may be due, agreeably to the scheme they may have determined upon and published

Lottery where drawn. Sec. 4. And be it further enacted, That the said lottery shall be drawn at the town of Montgomery in this State, and the said managers shall, in some newspaper within the State give due notice of the time and place of such drawing; which shall be conducted in such manner, and under such regulations and responsibilities, as to the aforesaid persons may seem most expedient: Provided, That each clerk

Proviso or other person concerned in the drawing of said lottery shall take an oath before some Justice of the Peace, faithfully and impartially to discharge their respective duties.

Lottery if not drawn in one year to cease. Sec. 5. And be it further enacted, That should the said lottery or any class thereof, not be drawn within one year after the scheme thereof shall have been published the same shall cease, and the purchasers of tickets may demand and recover of the managers named in the first section of this Act any money disbursed for tickets in said lottery.

Sec. 6. And be it further enacted, That within a convenient and reasonable time after the lottery shall have been drawn, the commissioners acting under this Act shall give public notice in some newspaper, and at five of the most public places in the county, that the building of the Academy will be let to the lowest bidder, who shall be the undertaker of the said building: Provided, He shall give to the said managers, good and sufficient security for the faithful performance of the contract; and the said managers shall be authorized to make to the said undertaker such disbursements and at such time as they may think proper.

(Approved, Dec. 15, 1821)

Notice to
be given of
letting
building
of Academy

AN ACT

To fix the permanent seat of Justice for the county of Montgomery

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Edward Moseley, Benjamin Davis, John Hughes, William Graves, and William Laprade, be, and they are hereby appointed commissioners, and that they or a majority of them, shall have full power to select and fix upon the most eligible site for the permanent seat of justice in said county, and that the said commissioners shall before they enter upon the duties herein before mentioned be sworn, by any Justice of the Peace, faithfully and impartially to perform the same, in such manner, as in their opinion will most promote the interest and convenience of said county.

Commis'rs

Select site.

To take
oath.

Sec. 2. And be it further enacted, That the site selected and fixed upon by the said commissioners or a majority of them, shall thereafter, be the permanent seat of justice in said county; and that the funds retained in the county treasury of the said county by virtue of a resolution of the General Assembly of Alabama; passed the sixteenth day of June, one thousand eight hundred and twenty one, or so much thereof as shall not have been previously appropriated by the County Court of said county, shall be, and the same are hereby appropriated to the purchase of a tract of land, which shall not exceed one hundred and sixty acres, for a county site, and the erection of the necessary public buildings thereon: Provided, A suitable site cannot be otherwise obtained.

Funds for
purchase
of site, &c.

Sec. 3. And be it further enacted, That if the said commissioners shall deem it most expedient to purchase a tract of land for the purposes aforesaid, then and in that case, it shall be lawful for the said commissioners, after retaining so much thereof as shall be sufficient for the erection of the said public buildings to lay off the residue in lots, in such sizes at their discretion as will best promote the interest of

Commis'rs
may lay off
lots

Proceeds the said county and proceed to sell the same at public auc-
 Law ap- tion, and the proceeds thereof, together with the funds in
 plied. the County Treasury of said county, which have not here-
 tofore been appropriated, as aforesaid by the County Court,
 shall be applied to the erection of the said public buildings
 in said county, under such restrictions and conditions as the
 said commissioners may prescribe.

C'ty C't Sec. 4 .And be it further enacted, That the County Court
 may levy of said county be, and is hereby authorized to levy a tax
 tax for the use and benefit of the said county, which shall not
 exceed the sum of twenty five per centum upon the amount
 of the general tax.

Repeal Sec. 5. And be it further enacted, That all laws and resol-
 utions heretofore passed, which are contrary to the true in-
 tent and meaning of this Act, be, and the same are hereby,
 repealed. (Approved, Dec. 17, 1821)

AN ACT

To make appropriations for the payment of certain claims against the State

Section 1. Be it enacted by the Senate and House of Re-
 presentatives of the State of Alabama in General Assembly
 convened, That the sum of five hundred and ninety-four
 To Daniel dollars and forty cents be allowed to Daniel Rather, jailer
 Rather of Madison county, for keeping certain prisoners in the jail
 of said county.

Sec. 2. And be it further enacted, That the sum of
 sixty dollars and twenty cents be allowed Timothy Mer-
 T. Mer- rick, late keeper of the jail of Mobile county, for keeping
 rick certain prisoners in the jail of said county.

Sec. 3. And be it further enacted, That the sum of five
 hundred and fifty dollars and forty cents be allowed D. Du-
 D. Duval val, sheriff of Mobile county, for keeping certain prisons
 in the jail of said county.

Sec. 4. And be it further enacted, That the sum of for-
 ty two dollars and forty cents be, and the same is hereby,
 allowed to James A. Bates, sheriff of Green county , for
 J. A. Bates keeping Skelton Standifer and Hiram Allen in the jail of
 said county.

Sec. 5. And be it further enacted, That the sum of for-
 ty two dollars be allowed James A. Bates, sheriff of Greene
 J. A. Bates county, for keeping John D. King in the ajil of said county.

Sec. 6. And be it further enacted, That the sum of fifty
 four dollars be allowed Merret Ware, jailer of Tusakloosa
 M. Ware county, for keeping Thos. Elliott in the jail of said county.

Sec. 7. And be it further enacted, That the sum of thirty
 dollars be allowed Henry V. Chamberlain, one of the Jus-
 H. V. Cham tices of the Peace for the county of Mobile, for holding in-
 berlain quests over three dead bodies.

Sec. 8. And be it further enacted, That the sum of ten

dollars be allowed Thompson White, coroner of Bibb county, for holding inquests over two dead bodies at the same time.

T. White

Sec. 9. And be it further enacted, That the sum of ten dollars be allowed Noah B. Coker, a Justice of the Peace for Bibb county, for holding an inquest over a dead body.

N. B. Coker.

Sec. 10. And be it further enacted, That the sum of ten dollars be allowed Jacob Jackson, a Justice of the Peace of Dallas county, for holding an inquest over a dead body.

J. Jackson

Sec. 11. And be it further enacted, That the sum of ten dollars be allowed Sidney M. Goode, Esquire, for prosecuting in behalf of the State, a negro charge with the crime of murder, in the county of Clark.

Sidney M. Goode

Sec. 12. And be it further enacted, That the sum of forty five dollars be allowed James Dellett, Esquire, for acting as Judge advocate, at a General Court Martial, convened, for the purpose of deciding a contested election for Major General of the fourth division of the Militia of the State of Alabama; which sum shall be paid out of any money in the Treasury not otherwise appropriated.

J. Dellett

Sec. 13. And be it further enacted, That the sum of one hundred and sixteen dollars and forty cents be, and the same is hereby allowed to Daniel Rather, jailer of Madison county, for keeping Thomas Goodrum in the jail of said county, to be paid out of any monies in the Treasury not otherwise appropriated.

D. Rather

Sec. 14. And be it further enacted, That the sum of ten dollars be allowed Nathan Sargent of Dallas county for prosecuting a negro man slave, for murder in Dallas county.

N. Sargent

Sec. 15. And be it further enacted, That the sum of sixteen dollars be and is hereby, allowed to John Sivley, jailer of Morgan county, for keeping negro Stephen in the jail of said county, to be paid out of any money in the Treasury, not otherwise appropriated.

J. Sivley

Sec. 16. And be it further enacted, That the sum of seventy four dollars be allowed Alexander M'Alpin, for surveying and platting lands reserved for the University in the county of Greene; to be paid out of any money in the Treasury, belonging to the said University.

A. McAlpin

(Approved, December 19, 1821)

AN ACT

To repeal part of an Act therein named

Section 1 .Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the fourth section of an act entitled "an act for the relief of the tax collector of Lauderdale county, and for other purposes" – passed at Cahawba, December twentieth, eighteen hundred and twenty, be, and the same is hereby repealed.

(Approved, November 27th, 1821.)

AN ACT

Supplementary to an Act entitled an Act for the collection of Monies due the State, and for other purpose, passed December 16, 1820.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the County Court of Dallas county be, and the same is hereby, vested with the same powers for the collection of debts due this State that are now vested in the Circuit Court of Dallas county; and that the proceedings in said court in such cases, shall be the same as are now provided by the act to which this is an amendment.

[Approved, December 3rd, 1821.]

AN ACT

To amend an Act, entitled an Act to establish the Temporary Seat of Justice in certain counties therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That David Busheurt, Aaron Rice, and _____ Barnet near the mouth of Paint Rock river be, and they are hereby, appointed commissioners, in addition to those already appointed, to establish the temporary seat of justice in the county of Decatur and to be governed by the same rules, and to possess the same powers, that are provided for the commissioners in the above recited act.

[Approved, December 17th, 1821.]

AN ACT

To authorize the Judge of the county court of St. Clair, to levy a tax to reinunerate John Cunningham.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Judge of the County Court of St. Clair county be, and he is hereby authorized and required to levy a tax sufficient to raise the sum of one hundred and forty one dollars; and the money when collected is to be paid to John Cunningham, being a balance due him for creating a temporary jail for said county. This act shall commence and be in force, from and after the first day of January next.

[Approved, November 27th, 1821.]

AN ACT

To amend an Act, entitled an Act in incorporate the Indian Creek Navigation Company.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Indian Creek Navigation Company be and they are hereby authorized and empowered, to collect toll on so much of said contemplated improvement as may be ready and fit for use, in the same proportion and at the same rates that are allowed by the act to which this is an amendment.

[Approved, December 6th, 1821.]

AN ACT

To incorporate the town of Demopolis, in Marengo County

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the town of Demopolis, in the county of Marengo be, and the same is hereby, incorporated and that all that tract of land included in the plan of said town, be and the same is hereby, declared to be within the limits of the same, in conformity to said plan.

Incorporated.

Corporate

Sec. 2. And be it further enacted, That on the first Monday in April in each and every year, an election shall be held at the most public and convenient place in said town for seven Councillors, who shall serve for the term of one year, which election shall be conducted by any two of the then acting Councillors; and the said Councillors shall, on the day succeeding their election, in each and every year, meet and designate by a majority of votes, from their own body, an Intendant, whose duty it shall be to preside at all meetings of the Councillors, and in his absence or incapacity to attend any member may be called to the chair: and a majority of said board of Councillors, shall constitute a quorum to do business. And the said Beard is hereby constituted and declared to be a body politic and corporate by the name of The Intendant and Council of the Town of Demopolis and by that name shall have and enjoy all the rights, powers and privileges and be subject to all the liabilities that are incident to bodies corporate.

Election to be held for commis'rs.

Term of service.

Election by whom held. Council'rs to elect Intendant. Board incorporated. Corporate powers.

Sec. 3. And be it further enacted, That the said corporation shall have full and complete power to make such by laws and ordinances as they may think proper, for the good government of said town, and to affix such fines and penalties as may be deemed necessary to enforce the same: Provided, said laws and ordinances be not repugnant to the constitution and laws of this State, and of the United States.

Corporation may enact by-laws.

Sec. 4. And be it further enacted, That the corporation shall be authorized to raise a revenue to carry into effect all the objects of the corporation, by laying a tax on all town lots, houses, pleasure carriages, sales at auction, and on all species of merchandize, vended or sold by the merchants of said town: Provided, That said tax shall not exceed one half of the county tax.

Corp'tion to levy t'x.

What articles.

Tax not to exc'd half c'nty tax.

Sec. 5. And be it further enacted, That the said corporation shall appoint a constable, and such other officers, as they may deem expedient.

Appoint

Sec. 6. And be it further enacted, That the said Intendant shall, ex officio, be vested with all the powers and authorities that Justices of the Peace are, by the laws of this State and shall and may exercise the same within the limits of said town.

const'ble &c. Intendant, ex officio

Justice

Peace.

Powers of
constabl's.

its of the said town of Demopolis. And the said constable shall be visited with all the powers and authorities, that constables of the county are by the laws of the State, and may exercise the same within the limits of said corporation.--- And the said Intendant and Constable shall be liable to the same restrictions and penalties, as Justices of the Peace and Constables of the County, are.

Vacanc's
in Board,
how filled.

Sec. 7. And be it further enacted, That should any vacancies occur in the said Board, such vacancies shall be filled by the remaining members of the Board; and the member or members so added shall continue in office, until the succeeding election. And the Intendant, Councillors, and other officers, shall continue in office until their successors are qualified.

Intendant
and Coun-
cillors to
take oath.

Sec. 8. And be it further enacted, That the said intendant, Councillors, and other officers, shall, before they enter on the duties of their respective offices, take an oath before some Justice of the Peace, faithfully and correctly to discharge the several duties imposed by this Act, without favour or partiality.

Constable,
enter into
bond.

Sec. 9. And be it further enacted, That the said Constable shall not only take the oath required by this Act, but shall, before he enters on the duties of his office, enter into bond with good and sufficient securities, to be approved by the Intendant of the said corporation.

Com'rs to
hold elec-
tion.

Sec. 10. And be it further enacted, That Allen Glover, Nathan Bolles and John Dickson be, and they are hereby, appointed commissioners, to hold the first election for said Councillors; which election shall take place on the second Monday in January, eighteen hundred and twenty two, at the place designated by this Act.

Time of
election.

Sec. 11. And be it further enacted, That the election for the said Councillors of the town of Demopolis, shall commence at the hour of twelve o'clock, and be kept open until the hour of four, in the afternoon: and, that all freeholders and house holders, twenty one years of age, and residing within the limits of the said corporation, be competent to vote for said Councillors.

Electors.

(Approved, Dec. 15, 1821.)

AN ACT

To incorporate the town of Belle-Fonte, in the county of Jackson.

Extent.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the town of Belle-Fonte, in the county of Jackson be, and the same is hereby, established and incorporated, including sixty acres, agreeably to the plan of said town.

Sec. 2. And be it further enacted, That an election shall

be held at the house of John Hampton in said town, on the first Monday in February next, and on the same day in every year thereafter, to commence at ten o'clock, in the morning, and close at two in the afternoon, for the purposes of electing, by ballot, five councillors, inhabitants of said town, who shall serve for the term of one year after they shall have been elected: the election shall be conducted and managed by a Justice of the Peace, and two house holders in said town, and all subsequent elections shall be conducted by two of the councillors, to be appointed by the board for that purpose. And the said councillors so elected, shall, on the next day after such election, in each and every year, meet and elect by a majority of votes, from their own body, an Intendant, whose duty it shall be, to preside and keep order at all meetings of the said councillors; and in his absence or incapacity, any other member may be called to the chair. And the said councillors shall be, and they are hereby, constituted, a body corporate, by the name and style of The Intendant and Council of the town fo Belle-Fonte, and by that name, they, and their successors in office, shall be capable in law, of suing and being sued, of pleading and being impleaded, in all manner of suits either in law or equity; also, to have and keep a common seal, and the same to break, alter and amend at pleasure, and in general to do all acts which are incident to bodies corporate, and to purchase, hold, and dispose of, for the benefit of said town, real, personal, or mixed property, to the amount of ten thousand dollars.

Sec. 3. And be it further enacted, That the said Intendant and council shall possess the same powers, and be subject to the same restrictions, as are provided by law, for the government fo the Intendant and Council of the town of Montgomery, passed at Huntsville, the third of December, eighteen hundred and nineteen.

[Approved, Dec. 15, 1821.]

AN ACT

Declaring the Mulberry fork of Tuskaloosa river navigable from its junction with the Sipsie for to Baltimore.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Mulberry fork of the Tuskaloosa river from Baltimore to its junction with the Sipsie fork be and the same is hereby, declared a public highway.

Sec. 2. And be it further enacted by the authority aforesaid, That if any person or persons shall create a dam across said river, or fell trees in it, or otherwise obstruct the navigation thereof, shall be liable by law, to all the pains and penalties in such cases make and provided.

[Approved, December 3d, 1821.]

Election
to be hold-
en for
councill'rs.
Term of
service.

Council'rs
to elect In-
tendant.

Constitu-
ted body
corporate.
Style.

Powers.

AN ACT

To establish an Academy in the town of Sparta, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That there be, and is hereby established, an academy at Sparta, in Conecuh county, to be known by the name of The Sparta Academy under the Superintendence of William Blackshar, Robert W. Carter, Martin H. Furlow, Benjamin Hart, Elias P. Muse, Philip Noland, Samuel W. Oliver, Mabry Thomas, Alexander Travis, Hinche

Incorporated.

Warren, and Thomas Watts, and their successors, who are hereby constituted a body corporate, to be known by the name and style of The Trustees of the Sparta Academy, and

Powers.

by that name, they shall be capable in law, to sue and be sued, plead and be impleaded, and receive all donations, and recover all debts which may become the property of said academy, and may in general do all acts for the benefit of the institution which are incident to bodies corporate.

To fill vacancies.

Sec. 2. And be it further enacted, That the said trustees and their successors shall have power to fill all vacancies in their body, by death, resignation, removal or refusal to act, to appoint their President and other officers, to

Elect President.

engage a principal rector, and such other instructors as they may deem necessary for conducting the literary concerns of the institution, and remove them at pleasure, to hold stated or called meetings for the purpose of examining the proficiency of the students, and to make all by-laws, and regulations for the government fo the Seminary; and five of whom shall form a quorum capable of transacting business.

May raise money by lottery.

Sec. 3. And be it further enacted, That the said trustees, and they are hereby ,authorized to raise by Lottery, upon such scheme or plan as they may consider most advisable, the sum of two thousand dollars, to be appropriated to the building of said academy, and to create a contingent fund for the exclusive benefit of the institution.

When to meet.

Sec. 4. And be it further enacted, That the said trustees shall meet on the first Monday of March next, at the town of Sparta, and devise such scheme or plan for carrying said Lottery into execution as they may think preferable, and when they shall have disposed of one half of the number of tickets of said Lottery, they shall advertise in some public newspaper in this State, when and where the drawing will take place: Provided, the same be not postponed to a longer period than until the first Monday of November next.

Sec. 5. And be it further enacted, That as soon as the said trustees shall have raised a sufficient sum of money to answer the intentions of this act, they shall proceed to

let to the lowest bidder the building of said academy, after having given thirty days notice by advertisement, of the time and place of letting the same.

Sec. 6. And be it further enacted, That nothing herein contained shall be so construed as to disqualify the said trustees from performing the duties herein assigned them, should their first meeting be within one month after the time herein prescribed.

Sec. 7. And be it further enacted, That in case the drawing of the Lottery be not accomplished on or before the first Monday of November next, the said trustees shall refund in said Lottery, the full amount by him or her expended for the same.

[Approved, Dec. 8th, 1821.]

AN ACT

To incorporate Tuskaloosa Chapter and Alabama Chapter of Royal Arch Masons.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Dugald M'Farland, Most Excellent High Priest, and others, the officers and members of Tuskaloosa Chapter of Royal arch Masons in the town of Tuskaloosa, and those who may hereafter become officers and members of said Chapter, are hereby declared to be a body corporate in name and deed, by the name and style of Tuskaloosa Chapter of Royal Arch Masons; and by the same name shall have perpetual succession of officers and members, and a common seal, with power to alter and renew the same at pleasure.

Sec. 2. And be it further enacted, That said corporation shall be able and capable in law, to have, hold, and possess, retain and enjoy any lands, tenements and hereditaments, or any personal estate, not exceeding in value twenty five thousand dollars at any one time, in fee simple, or for ta term of years, and may sell or lease the same; and shall be able and capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in any court of law or equity within this State; and shall have and exercise all the powers and privileges incident to bodies corporate.

Sec. 3. And be it further enacted, That Luther Blake, Most Excellent High Priest fo Alabama Chapter at Cahawba, and the officers and members thereof, and their successors respectively shall be a body Corporate and Politic, by the name and style of Alabama Chapter of Royal Arch Masons, with all the powers given by this act to Tuskaloosa Chapter.

(Approved, November 27th, 1821.)

1821.

Let building Academy.

Lott'ry not drawn money to be

Style.

Powers.

May hold property.

To what amount.

Alabama Chapter Incorporated. Style. Power.

AN ACT

To amend the Act to incorporate the City of Mobile, passed on the 17th December, 1819.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Mayor and Aldermen for the city of

Mayor and
Aldermen
to publish
list of re-
ceipts.

Mobile, shall, hereafter, on the first Monday of November in each year, publish in the newspapers printed in said City, a report which shall contain a true statement of the receipts of any and all monies into the treasury of the corporation, together with an exact and methodical account of the appropriations and disbursements made of such monies. And for the purpose of carrying into effect the true intent and meaning of this act the said Mayor and Aldermen shall

To keep
books.

keep books, in which shall be entered a statement of all monies received by them in their corporate capacity, proceeding from taxation or otherwise, as well as an account of all expenditures incurred, or disbursements made, by the said corporation; which books shall be at all times subject to the inspection of persons interested therein.

[Approved, Dec.12, 1821.]

AN ACT

To authorize the Judge of the County Court, and the Commissioners of the roads and revenue of Butler county, to levy an extra tax for building a court house and Gaol, in and for said county, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Judge of the County Court, and the commissioners of

To levy
tax.

the roads and revenue, of Butler county (at the same time that they may levy a county tax,) be, and they are hereby, authorized and required, to levy an extra tax on all person and property in said county, liable to taxation, not exceeding one half of the State tax; which shall be collected by the tax collector of said County, in the same manner and at the same rate of compensation, that the State tax be collected, and paid over by said collector to the Treasurer of the county aforesaid.

Sum to be
levied.
How col-
lected.

Sec. 2. And be it further enacted, That the town of Buttsville shall be, and the same is hereby, make the permanent seat of Justice in and for the county of Butler.

Seat of jus-
tice estab-
lished.

Sec. 3. And be it further enacted, That the County Court of Monroe county be, and the same is hereby authorized and required, to lay a special county tax (which shall not exceed thirty-seven and a half per centum on the State tax,) for the years on thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three, for the purpose of defraying the expenses incidental to the completion of the CourtHouse, in said county.

County
Court of
Monroe to
levy tax.

How col-
lected.
To be paid
into Coun-
ty Treasu-
ry.

Sec. 4. And be it further enacted, That the said tax shall be collected by the assessor and collector of taxes for the county of Monroe, for the years one thousand eight hundred and twenty-two, and one thousand eight hundred and twenty-three, and be paid over as soon as collected, into the County Treasury of said County.

[Approved, Dec. 18, 1821.]

AN ACT

To incorporate the Mobile Steam Boat Company.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John B. Hogan, Stephen Chandler, Lewis Judson, Henry Gunnison, William Raser and Benjamin Vincent, and such others as have or shall be hereafter, associated with them, be, and they are hereby, constituted and appointed a body corporate, by the name, title, and style of The Mobile Steam Boat Company, for the term of thirty years, from and after the passage of this act; and by that name shall be, and they are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain, to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects, of whatever kind, nature and quality, and the same to sel, rant, demise, alien, and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all manner of actions, suits, matters, and things, in any court of law or equity; And also to make, have and use a common seal, and the same to break, alter, and renew, at their pleasure: Provided, always, that it shall not be lawful for the said corporation, to use any part of its capital stock or funds for banking purposes, nor to emit for circulation any notes or bills, or make any contracts for the payment of money, except only under the seal of the said Corporation; and all such notes and contracts shall to all intents and purposes, be taken to operate as specialities at law.

Sec. 2. And be it further enacted, That the capital stock of the said Corporation created by this act, shall not exceed the sum of Two hundred thousand dollars.

Sec. 3. And be it further enacted, That the affairs of the said Steam Boat Company, shall be managed and conducted by five directors, who shall be stockholders in said Company and resident within this State, and who shall hold their offices for one year from the first day of January next, and until thee shall be a new election of directors, in pursuance of the provisions of this act.

Sec. 4. And be it further enacted, That the stock, affairs, and concerns of the said corporation, shall be managed and conducted by the said direction to be chosen or elected on the third Monday in December, in each and every year from and after the passage of this act, by the stockholders, at such place in the City of Mobile or such other City, town, or place in this State, and under such regulations, as a majority of the stockholders may determine upon and prescribe; and they shall hold their offices, for the term, and in the manner herein before prescribed; and notice of such intended election shall be published, for at least three succes-

Term of
incorpora-
tion.

Proviso.

Capital
Stock.

Company
managed
by 5 direc-
tors.
Term of
office.

Directors
when cho-
en.

Notice of
their elec-

1821.

88

tion to be
published.

Proviso.

Proviso.

sive weeks next preceding the same in the newspaper
printed and published in Mobile; and every such election
shall be make by ballot, by a plurality of votes of the stock-
holders present allowing one vote for every share: Provided,
that in case it should at any time happen, that an election
of directors should not be made, the said corporation for
this cause shall to be deemed to be dissolved; but that it
shall and may be lawful on any other day, to hold an elec-
tion of directors in such manner as shall have been or may
be regulated by the by-laws and ordinances of the said
corporation: Provided also, that at all electrons to be
holden by the stockholders under this act, they may vote
by proxy. [Approved, Nov. 27, 1821.]

AN ACT

To appoint Commissioners to contract for, and superintend the erection of,
the Public Buildings in the county of Wilcox.

Section 1. Be it enacted by the Senate and House of
Representatives of the State of Alabama in General Assem-
bly convened, That Robert H. Scott, Benjamin Hoff, and
John Jenkins be, and they are hereby, appointed commis-
sioners, to contract for, and superintend the erection of
a court-house and jail, in the county of Wilcox: and that
all laws and parts of laws repugnant to this act be, and the
same are hereby, repealed.

[Approved, Dec. 15, 1821.]

AN ACT

For the relief of Josiah D. Lister, Sheriff of Washington county.

Section 1. Be it enacted by the Senate and House of Represen-
tatives of the State of Alabama, in General Assembly convened,
That Josiah D. Lister, Esquire, Sheriff of Washington coun-
ty, be, and is hereby, exonerated and discharged from
any liability by him incurred, by reason of setting at liberty
John M'Crory, before the payment of one of two hundred
and fifty dollars, imposed on the said M'Crory at the Circuit
Court of Washington county, at April Term, eighteen hundred
and twenty.

[Approved, November 27th

AN ACT

For the relief Henry V. Chamberlain.

Section 1. Be it enacted by the Senate and House of Represen-
tatives of the State of Alabama, in General Assembly convened,
That the Comptroller of public accounts be, and he is hereby,
authorized and required, to draw his warrant on the Treasurer
of the State, in favour of Henry V. Chamberlain, tax collector
for the County of Mobile, for the year one thousand eight hun-
dred and eighteen, for the sum of one hundred and eighty two
dollars and eighty five cents; and that the Treasurer be author-
ized and required to pay the same, out of any monies in the
Treasury of this State, not otherwise appropriated.

(Approved, Dec. 15, 1821.)

AN ACT

To incorporate the town of Vernon, in the county of Autauga.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Free-holders, Land holders, and House-holders of the Town of Vernon, shall, on the first Monday in January next, and each and every year thereafter, hold an election in said town, to commence at eleven o'clock A. M. and to close at three o'clock P.M. and then and there elect by ballot five Commissioners, a majority of whom shall constitute a quorum to do business; also a Treasurer, Assessor, Collector and Constable, to serve for the term of one year; and the said Commissioners so elected shall, on the day succeeding said election, meet and elect on person from their own body as President, whose duty it shall be to preside and keep order at all meetings of said Commissioners; and the said Commissioners shall be, and they are hereby, constituted a body corporate, by the name and style of The President and Commissioners of the Town of Vernon, and by that name they and their successors in office, shall be capable in law, of suing and being sued, pleading and being impleaded, in all manner of suits and actions in law of equity; and also in all acts incident to bodies corporate.

Sec. 2. And be it further enacted, That said Commissioners shall have power and authority to raise such sums of money as they may think necessary for the well regulation of said town; which sum or sums shall be assessed on the Land-holders, Free-holders, and House-holders, and also, on all Billiard tables, Puppet-Shows, and Hawk-ers and Pedlers within said town, by the assessors, according to the regulations to be established by said Commissioners, and shall be collected by the collector at such time or times, and be paid and disposed of in such manner as the Commissioners shall direct: Provided, the whole amount of such sum or sums, shall not in any one year amount to more than twenty five per centum on the amount of the State tax for said year.

Sec. 3. And be it further enacted, That the said Commissioners shall meet on their own adjournments, and shall have power from time to time, and at all times thereafter, to make such by-laws and regulations not inconsistent with the Constitution and laws of the United States, or of this State, as to them shall appear necessary for the good government of said town, and the same to put in execution, revoke or alter as to them shall appear expedient; and the said President and Commissioners, appointed agreeably to the provisions of this act, are hereby empowered and required to cause good and sufficient bond and security to be

Town of-
ficers to be
elected.

Comm'rs
to elect
President.
Incorporated.

Comm'rs
may assess
taxes.

May make
by-laws.

To take
bond from
town offi-
cers.

taken from the several officers herein intended to be appointed, and to annex such fees to those several officers as they may deem necessary, and to impose such fines and penalties for neglect of duty as to them may appear fit and proper, and to make, limit, and impose all fines and amercements, upon those who may violate the by-laws by them made, not exceeding in any case the sum of fifty dollars, and all such fines and amercements to make, demand and levy of the goods and chattels of such offender or offenders, by warrant issued from under the hand and seal of the President, directed to the town Constable, who is hereby authorized and required to execute the same, which fines and amercements shall be paid to the Treasurer, to be appropriated to the use and benefit of said town.

Sec. 4. And be it further enacted, That the elections authorized by this act shall be conducted by a Justice of the Peace and two House-holders, residents of said town of Vernon.

Sec. 5. And be it further enacted, That all that part of fractions thirty-five and thirty-six, west of Alabama river, in township seventeen and range fourteen, be, and the same shall constitute, the corporate limits of the town of Vernon.

(Approved, December 8th, 1821.)

AN ACT

To incorporate the town of Sparta, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That from and after the passage of this Act, the permanent seat of Justice of Conecuh County, situate and being on the south west quarter of section thirty one, of township five, in range eleven, within the county aforesaid,

be, and is hereby, incorporated; and that the same be hereafter known by the name of the town of Sparta.

Sec. 2. And be it further enacted, That there shall be an election by ballot held at the Court House in said town, on the first Monday of March next, and on the first Monday of March in each and every year thereafter, to commence at the hour of twelve o'clock, and be kept open until the

hour of three in the afternoon, for the purpose of electing five persons to act as commissioners of said town a majority of whom shall constitute a quorum to do business; and the said commissioners shall, when elected, choose from their own body an Intendant to preside and keep order at their meetings and in his absence or incapacity, any other member may be called to the chair and said commissioners are hereby constituted a body corporate by the name and style of The Intendant and Commissioners of the Town of Sparta &c. and by that name they and their successors

in office, shall be capable in law, of suing and being sued

Election,
by whom
conducted.

Limits.

Incorporated.

Com'rs to
be elected.

To choose
Intendant.

Powers.

of pleading and being impleaded in all manner of suits either in law or equity; and in general, of doing all acts which are incident to bodies corporate.

Sec. 3. And be it further enacted, That every white male person of the age of twenty one years and upwards, who may have resided within the limits of the corporation, which are hereby declared to comprehend the quarter section aforesaid, for the space of two months next preceding an election for commissioners, or who may be, at the time of the election, proprietors of lots, or householders within said corporation, shall be entitled to vote at said elections, which shall be superintended by a justice of the peace of the captain's district including said town, or in his absence, by said captain.

Sec. 4. And be it further enacted, That the said corporation shall have power to pass all by-laws, regulations and ordinances, necessary to preserve the health of said town to prevent and remove nuisances, to clear and keep in repair the streets and alleys, to have general control and superintendence over the springs and wells of said town, and in general, to pass such by-laws and regulations not repugnant to the Constitution of this State, or the laws thereof, as the said corporation shall, from time to time, deem expedient: and the said corporation shall also have power to appoint and remove, at pleasure, a Clerk, Assessor, Collector, Treasurer, Constable and Overseer or either of them, or any other officers they may require, and annex such fees to the several offices, and to impose such fines for neglect of duty in office, not exceeding twenty dollars as they shall deem necessary, and impose such fine or fines not exceeding five dollars, for a breach of their by-laws, as they may deem proper; to be sued for in the name of the corporation by warrant directed to said Constable by the Intendant aforesaid, who shall be, ex officio, a Justice of the Peace within the corporation, restricted and governed as such, by the laws, regulations, and ordinances of the corporation, exclusively.

Sec. 5. And be it further enacted, That the said commissioners shall have power and authority, annually, to levy and assess tax on the inhabitants within the limits of the corporation not exceeding the State tax: and all persons who shall have resided within the limits of the said corporation two months immediately preceding the time the tax shall be laid, shall be subject to taxation according to such regulations as the commissioners may direct: provided, all property not taxable by the State be exempt from the taxation prescribed by this Act.

Sec. 6. And be it further enacted That when vacancies shall happen in the Board of Commissioners, by death resignation or otherwise, such vacancy shall be filled by the

Election.

May pass
by-laws
&c.

Com'rs to
appoint
town officers.

To levy &
assess taxes.

Who subject to taxation.

Board to
fill vacancies.

cies in its
own body

To take
oath.

Who lia-
ble to work
on street.

Inh'nts not
to work on
roads.

Election
not held as
prescribed
in 2d sect.
may be
holden
thereafter.

Vacant.
hand in cor-
poration,
by whom
disposed of.

Board; and the member or members so added shall conti-
nue in office until the next succeeding annual election.

Sec. 7. And be it further enacted, That the commission-
ers aforesaid, and their successors in office, shall, before they
enter on the duties thereof, take an oath before some per-
son qualified to administer the same, that they will faithfully
discharge the duties to them committed, as commissioners
of the town of Sparta, without favour, affection, or par-
tiality.

Sec. 8. And be it further enacted, That all male persons
above the age of sixteen and under the age of forty five
years, who shall have resided ten days within said corpora-
tion, shall, during their residence therein, be liable to work
on the streets alleys, public square, wells, springs, pave-
ments and roads, within the limits of said corporation, in
such way as may be prescribed by the said commissioners;
and they are hereby discharged from working on any road
or roads of the county without the limits thereof: any law
to the contrary notwithstanding: Provided nevertheless,
That no overseer appointed by said commissioners to su-
perintend the public roads within said corporation, nor
hands assigned him, shall be exempt from the penalties an-
nexed by law, to the overseers of public roads within this
State, and to the hand liable to work thereon, in conse-
quence of a violation of their respective duties, as prescrib-
ed by the road law of this State.

Sec. 9. And be it further enacted, That if the first election
for commissioners, as prescribed by this Act, be not held on
the first Monday of March next, it shall be lawful for the
same to be conducted as contemplated in the second sec-
tion of this act, at any time within one month thereafter:
Provided, The inhabitants of said town receive ten days no-
tice of the time of holding said election, by advertisement
or otherwise.

Sec. 10. And be it further enacted, That the Judge of
the County Court, in co-operation with the commissioners
of roads and revenue, shall be, and are hereby, vested with
the exclusive power of disposing of the vacant land within
the limits of said corporation, as they may deem most expe-
dient, for the benefit of the county of Conecuh; and it
shall be their duty from time to time, as occasion may re-
quire, and they are hereby empowered, to grant a title in fee
simple for any lot or lots of land within said corporation,
to any person or persons who shall have paid the instalments
which shall accrue on the lot or lots by said person or per-
sons purchased, or shall have paid the full price, which
shall have become due on the lot or lots to which such per-
son or persons shall be entitled, which grant shall invest the
granted with an exclusive title to hold the lot or lots there-

in, purporting to be granted to him or her, and his or her heirs, forever.

Sec. 11. And be it further enacted, That the thirty eighth section of an Act of the General Assembly, passes at Huntsville, December thirteenth, eighteen hundred and nineteen, appointing certain commissioners therein named, to fix on a site for the public buildings of the County of Conecuh and for other purposes therein mentioned, be, and the same is hereby, repealed, and it shall be the duty of said commissioners appointed by said Act, to transfer to the Judge of the County Court and the commissioners of roads and revenue, of Conecuh County, all the papers, documents, records and money which may be in their possession as commissioners aforesaid, and render to them a true and faithful report of all the receipts and disbursements which shall have been incident to their commission, and the same shall operate as a final discharge of their responsibility.

[Approved, Dec.3, 1821

AN ACT

Amendatory of an Act to incorporate the town of Sparta and for other purposes, passed December 3, 1821.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That from and after the passage of this Act, so much of the above recited Act, as mentions and refers to the Southwest quarter of section thirty one of township five, in range eleven within the county of Conecuh, be, and the same is hereby taken and made to apply and refer to the Southeast, instead of the Southwest quarter, of the township and range aforesaid any law to the contrary notwithstanding.

[Approved, Dec. 15, 1821.]

AN ACT

To authorize the executor of Joseph Phillips, deceased, to sell and transfer certain Certificates of land therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the executor of Joseph Phillips, deceased, be, and he is hereby authorized to sell and transfer all or any number of the Certificates of land purchased by said Joseph Phillips, deceased, within this State, upon such terms as he may deem most advantageous.

Section. 2. And be it further enacted, That upon the sale of any one or all of the Certificates aforesaid the Executor aforesaid, shall have power, and he is hereby authorized, to make as complete and as legal a transfer of the same, to the purchaser or purchasers, as could have been made by the deceased, during his lifetime: Provided, the said Executor shall, before the sale of all or any of the said Certificates,

Repeat.

Executor
may sell
certain
Certificate
of land.
— may
make
transfer.

1821.

94

Ex'r to enter into bond.

enter into bond with sufficient security, payable to the Chief Justice of Monroe County, for the faithful distribution of the money arising from the sale thereof, according to the laws relating to, and regulating the estates of deceased persons. [Approved, December 6, 1821.]

AN ACT

To make appropriations for the year 1822.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the following sums of money be, and they are hereby, appropriated to defray the expenses of the civil list and other

Appropriations.
Members of Assembly.
Governor
contingent fund.
Judges.

necessary charges of the Government, namely: For the pay of the members of the General Assembly, and their expenses at the present session, twenty thousand dollars; for the payment of the annual salary of the Governor of this State, two thousand dollars; for the contingent fund, to be subject to the orders, of the Governor of this State, two thousand dollars; for the payment of the annual salaries of the Judges of the Circuit Courts, seventeen and fifty dollars, each, making ten thousand five hundred dollars; for the payment of the annual salaries of the Secretary of State,

Executive office.

Comptroller of public accounts, and Treasurer of this State, one thousand dollars each, making three thousand dollars; for the payment of the annual salaries of the Circuit Solicitors, two hundred and fifty dollars each, making twelve hundred and fifty dollars; for the payment of the annual salary of the Attorney General, six hundred and fifty dollars; for the payment of the Adjutant General, two hundred dollars; for the payment of the Quarter-Master General, two hundred dollars; for the payment of the clerk of the Senate and clerk of the house of representatives, each, seven dollars per day and for the payment of the assistant clerks of both branches of the General Assembly, each, five dollars per day; for the payment of the door keepers of the of the Senate and of the House of Representatives, each, four dollars per day, to be paid out of any money in the Treasury not otherwise appropriated.

Solicitors.

Att'y gen.
Adj't gen.
Q.M gen.
Officers of
Gen Assembly.

Sec. 2. And be it further enacted, That the sum of twenty-five dollars be appropriated in addition to the sum allowed by an Act passed the twenty-second day of December, one thousand eight hundred and twenty, making provision for the purchasing of a desk for the preservation of papers and stationary necessary for the office of the Treasurer, and the Comptroller is required to issue his warrant accordingly.

Treasurer.

Sec. 3. And be it further enacted, That the Comptroller be, and he is hereby authorized and required, to issue his warrant in favour of William T. Gamble, for the sum

W. T.
Gamble.

of two hundred and sixty nine dollars and twenty five cents, for stationary furnished both Houses of the General Assembly at the present session, and that the Treasurer be, and he is hereby, authorized, to pay the same, out of any money in the Treasury not otherwise appropriated.

Sec. 4. And be it further enacted, That the clerk of the House of Representatives be allowed Seventy-five dollars for ex-officio services to be rendered in arranging the public papers, and preparing the Journal for the press.

Sec. 5. And be it further enacted, That the sum of sixty-three dollars and twenty-five cents, be allowed the Comptroller for postage on packages.

Sec. 6. And be it further enacted, That the sum of two hundred and fifty dollars be appropriated, as compensation to the Secretary of State for copying the laws and Journals of the present session of the General Assembly, and superintending the printing the same.

Sec. 7. And be it further enacted, That the sum of fifty-three dollars and thirty-four cents be appropriated, for the payment of W. & A. Trigg.

Sec. 8. And be it further enacted, That the sum of nine dollars eighty-one and three fourth cents, be appropriated for the payment of George a. Thrash for taxes overpaid.

Sec. 9. And be it further enacted, That the sum of one hundred and thirteen dollars and eighty-seven cents be appropriated to Mathew W. M'Clellan for Stationary and wood for the use of the Senate, during the present session. And that the public building and furniture in the Town of Cahawba, be committed to John H Thorington, for preservation and safekeeping: and he is hereby required to execute his receipt to the Secretary of State for all the property committed to his custody, with a description of the condition in which it was received; which property shall be restored by said Thorington in the same condition in which it is delivered to him.

Sec. 10. And be it further enacted, That the sum of _____ dollars be, and the same is hereby, appropriated to said Thorington for said service.

(Approved, December 19, 1821.)

AN ACT

To authorize the issuing of Treasury notes, and to vest authority in the Executive of this State to apply a certain sum of money therein mentioned, or the purpose of making such arrangements with the specie paying Banks of this State, as may aid the credit and currency of the Treasury notes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor be, and he is hereby, authorized to cause Treasury notes to be prepared, to the amount

Clerk of
House of
Represent-
atives.

Comptrol-
ler.

Secretary
of State.

W. & A.

Trigg.
G.A.
Thrash.

M. W.
M'Clellan.

J.H.
Thoring-
ton keeper
public fur-
niture.

Amount of
notes to be
issued.

Size of
notes &c.

By whom
signed &c.

To be used
in payment

Not to bear
interest.

Treasurer
to keep re-
gister of
notes issued.
Notes to be
placed to
the credit
of the state.
Sum allow-
ed to carry
this act in-
to effect.

Governor
may apply
loan to aid
currency
of notes.

of thirty thousand dollars, and issued in the manner herein after provided: The sum of six thousand dollars, in notes or bills of seventy five cents; six thousand dollars in notes or bills of fifty cents; six thousand dollars in notes or bills of twenty five cents; six thousand dollars in notes or bills of twelve and a half cents; six thousand dollars in notes or bills of thirty seven and a half cents each.

Sec. 2. And be it further enacted, That the said Treasury notes shall express, that the bearer thereof shall be entitled to receive at the Treasury for the State, the sums therein specified, respectively, and shall be signed by the Treasurer, and by him be issued in payment of warrants drawn on the Treasurer, to such persons as may choose to receive the same at par, or in exchange for other monies which he may hereafter be authorized to receive in payment of taxes or other public dues.

Sec. 3. And be it further enacted That the said notes shall be received by the State Treasurer, and by the Collectors of State taxes, in payment of any dues or taxes to the State, or the same shall be reimbursed at the Treasury of the State to any holder on application, out of any monies in the Treasury; but the said notes shall not bear interest.

Sec. 4. And be it further enacted, That it shall be the duty of the State Treasurer, to keep a register of all Treasury notes by him issued and paid out under the authority of this State or of this act, and he shall place all sums so issued and paid out, to the credit of the State; and he shall in his annual report be credited with the amount of notes or bills issued in pursuance of this act, and which shall have been returned into the Treasury and on hand at the date of such report.

Sec. 5. And be it further enacted, That for carrying this act into effect, the sum of five hundred dollars, if so much be necessary, be, and the same is hereby appropriated, out of any monies in the Treasury not otherwise appropriated.

Sec. 6. And be it further enacted, That the Governor be, and he is hereby, authorized, to apply the sum of fifteen thousand dollars, authorized by law to be borrowed from any of the specie paying Banks of this State, (or so much thereof as may be deemed necessary.) for the purpose of making such arrangement with the specie paying Banks as may aid the credit and currency of the Treasury notes, by law authorized to be issued, or for the purpose of making such exchanges for the whole or part of said sum, for specie, or specie paying paper, as may be necessary to aid the operations of the Treasury.

Sec. 7. And be it further enacted, That if any person

shall falsely make, forge or counterfeit, or cause or procure to be falsely make, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any note in imitation of, or purporting to be a Treasury note aforesaid, or shall falsely utter, or cause or procure to be falsely uttered, or willingly aid or assist in falsely uttering, any Treasury note issued as aforesaid, or shall pass, utter or publish, or attempt to pass, utter or publish as true, any false, forged, or counterfeit note purporting to be a treasury note as aforesaid knowing the same to be falsely forged or counterfeited, or shall pass, utter or publish or attempt to pass, utter or publish as true, any falsely uttered Treasury note, issued as aforesaid, knowing the same to be falsely altered, every such person shall be deemed and adjudged guilty of felony, and on conviction shall be subject to the same pains and penalties, that are now by the existing laws prescribed and provided against the offence of forgery.

Sec. 8. And be it further enacted, That from and after the passage of this act, it shall be unlawful for any person or persons within the limits of this State, to make, issue, or emit, any printed note or bill, such as are generally known and denominated change or due bills, or cause or procure to be made, issued, or emitted, any printed note or bill purporting to be a due bill and generally known as, and denominated, change or due bills, under the penal sum of five dollars for each and every offence, to be recovered on a warrant before any Justice of the Peace, by any person suing for the same, one moiety to the use of such person, and the other to the use of the State.

Sec. 9. And be it further enacted, That from and after the first day of June next, it shall be unlawful for any person or persons within the limits of this State, to pass or circulate, or cause to be passed or circulated, any printed bill or note purporting to be a due bill and such as are generally known as, and denominated change or due bills, whether made, issued, or emitted in or out of this State, under the penal sum of five dollars for each and every offence, to be recovered by warrant before any Justice of the Peace, by any person suing for the same; one moiety to the use of such person, and the other to the use of the State: Provided nevertheless, that this act shall not prevent any person or persons from delivering over to the persons who may have made, issued or emitted any printed change or due bills, and which he or they may have on hand, after the said first day of June next. (Approved, Dec. 19, 1821.)

Forging
&c. notes
declared
felony.

Unlawful
to issue
change
bills.

Penalty.

Unlawful
to pass
change
bills after

Penalty.

Proviso.

AN ACT

To incorporate the Murder Creek Navigation Company.
Section 1. Be it enacted by the Senate and House of Re-

Subscription books to be opened.

Superintendents.

Sum to be raised divided into shares how paid.

Stockholders not paying instalments forfeiture created.

When created a corporate body. Style. Powers.

Directors to be elected.

Term of service.

Majority to transact business.

presentatives of the State of Alabama, in General Assembly convened, That subscription books shall be opened at the Town of Sparta, on the first day of January next or as soon thereafter as convenient under the superintendence of Henry Hunter, R.W. Carter, Mabry Thomas, Francis Boykin, John Dean and Eldridge S. Greening, for the purpose of receiving subscriptions, to be applied as herein after mentioned, and the said books shall be kept open until the first day of May ensuing; provided, the sum of six thousand dollars shall not be sooner subscribed.

Sec. 2. And be it further enacted, That the said sum of six thousand dollars, shall be divided into one hundred and twenty shares of fifty dollars each, and the money thus subscribed shall be paid, one eighth part thereof at the time of subscribing; three eighths when the President and Directors shall declare, that half the distance from the bridge to the mouth of said Creek is navigable; and the remainder shall be divided into two equal instalments, one of which shall be paid when the said Creek shall have been accepted as a navigable one, and the other instalment four months thereafter; Provided that if any stockholders shall neglect and refuse to pay any instalment that may be due from him, he shall forfeit to the benefit of the company, whatever sum he may have already paid: and so soon as the sum of six thousand dollars as aforesaid shall be subscribed, the subscribers, their successors and assigns, shall be a body politic, by the name and style of The President and Directors of the Murder Creek Navigation Company, and shall by that name be capable and liable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, matter, action or thing, depending in any court of law or equity.

Sec. 3. And be it further enacted, That so soon as the said sum of six thousand dollars shall be subscribed, the superintendents shall give thirty days notice of the time and place of holding an election for the purpose of electing seven Directors, which election shall be held under the direction of any three of the superintendents who shall be on oath to conduct such election fairly and impartially and the stockholders shall be entitled to vote upon the following principle to wit: for each and every share, one vote, provided no person, Copartnership or body politic shall be entitled to more than five votes; and the directors so elected shall continue in office, for the space of one year.

Sec. 4. And be it further enacted, That the said directors a majority of whom shall be deemed sufficient to transact all business shall immediately proceed to the election of a President, who shall be elected from their own body, and who shall continue in office for the term of one year.

Sec. 5. And be it further enacted, That the said President and directors shall appoint a Treasurer, who shall continue in office for the term of one year, and who shall previously to his entrance upon the discharge of the duties of his office, give bond and security to the President and directors in the sum of two thousand dollars for the faithful performance of the duties of his office, and who shall receive as compensation for his services, one and a half per cent, out of all monies which may come into his hands as Treasurer.

To appoint
Treasurer.

To give
bond.
His com-
pensation.

Sec. 6. And be it further enacted, That so soon as the officer, pointed out by this act, shall have been elected, it shall be the duty of the President to give sixty days notice, at three of the most public places in the county of Conecuh and in some newspaper, of the time and place of disposing of the said work, which shall be disposed of to the lowest bidder; and the person who shall contract to make the said Creek navigable, shall be required to give bond and security in the sum of four thousand dollars, for the faithful performance of his contract within such time as the President and directors may prescribe.

President
to give no-
tice of let-
ting out
work.

Sec. 7. And be it further enacted, That the President and directors shall pass such by-laws as they may deem necessary for the purpose of carrying this act into complete effect, and the said Creek shall be made navigable, in such manner and under such regulations as the board may direct.

May make
by-laws.

Sec. 8. And be it further enacted, That the said board may erect on such part of the said Creek as they may deem necessary, a Toll Gate, and shall receive the following rate, to wit: for every Ton, Two Dollars; for every small water craft of any description, fifty cents.

May erect
Toll Gate.

Sec. 9. And be it further enacted, That the said company shall have the exclusive benefit arising from the navigation of the said stream, for and during the term of twenty years.

Sec. 10. And be it further enacted, That if any person shall in any manner, obstruct the navigation of the said stream, by falling trees or otherwise, such offender shall be fined in the sum of five dollars, which fine shall be recoverable before any Justice of the Peace, and shall go exclusively to the benefit of the informer.

Persons
obstruct-
ing liable.

(Approved, December 15, 1821.)

AN ACT

To authorize Leonard Abercrombie to emancipate certain slaves therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Leonard Abercrombie of the county of

1821.

100

Dallas be, and he is hereby, authorized and empowered to manumit and set free, a woman of colour named Fanny (alias Fanny Martin) and her ten children, Moreau, Jane, Emily, Morgan, John, Maria, Eliza, Betsey, Fanny, and

To execute bond to Judge of c'ty court.

Lavinia, so soon as the said Leonard Abercrombie shall have executed to the Judge of the county court of the county in which such slaves reside, and his successors in office a bond with sufficient security, to be approved of by said Judge; conditioned that said slaves, Fanny Martin, Moreau, Jane, Emily, Morgan, John, Maria, Eliza, Betsey, Fanny, and Lavinia, or either of them, shall never become chargeable to the State of Alabama, or any county or town therein; that such emancipation shall not in any manner become prejudicial to the creditors of the said Leonard Abercrombie; and that he shall remove said slaves out of this State: Provided, that if any of the persons emancipat-

Proviso.

ed by this act shall return into this State and remain as residents of their own accord such person or persons shall be considered to be in the same state of slavery as if this act had never passed. (Approved, Dec. 8th, 1821.)

AN ACT

To authorize Richard Rapier, Administrator of Clabourne Mays, deceased, to sell a certain lot of land, therein mentioned.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Richard Rapier, administrator of Cla-

Lot designated.

bourne Mays, deceased, be, and he is hereby authorized to sell a certain lot of land which said Clabourne Mays purchased of John Asher, adjoining the town of Florence, on such terms of credit, not exceeding nine months, and in such manner, as he, the said Richard Rapier, may deem most advantageous, taking bond with good and sufficient security for the payment of the condition: Provided, Thirty days public notice be given of the time of sale, and that said lot of land be sold at public auction, in the town of Florence.

Terms of sale.

Sec. 2. And be it further enacted, That so soon as the said John Asher shall have fulfilled the conditions of his bond, executed to the said Clabourne Mays on the ninth day of September, one thousand eight hundred and nineteen, relative to making a title to the said lot, be the said Richard Rapier shall be authorized and empowered to make or cause to be made to the purchaser or purchasers thereof, a conveyance of such title as the said deceased was entitled to; which conveyance shall be equally valid and binding, as if the same had been made by the said decedent in his lifetime.

Title when made.

Proceeds of sale how

Sec. 3. And be it further enacted, That out of the proceeds of the sale of the lot aforesaid, the said administer

shall pay to the said John Asher (if so much there be,) the amount of his demand, which accrued in consequence of the purchase of said lot: Provided, That the said John Asher will make the same deduction thereon which the purchasers of town lots are entitled to, by the Act of Congress for the relief of the purchases of public lands.

Sec. 4. And be it further enacted, That the surplus of the proceeds of such sale, if any there be, shall be disposed of by the said administrator agreeably to the existing laws regulating the distribution of the personal effects of deceased persons.
(Approved, November 27th, 1821.)

AN ACT

To authorize the Administrator and Administratrix of Thomas Tolbert, to sell and convey certain real estate.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That James Havens and Rachel Tolbert, administrator and administratrix of the estate of Thomas Tolbert, deceased, be, and they are hereby authorized to sell the certificate of the south east quarter of section number twenty three, in township number seven, of range number seven, west, in the district of land sold at Huntsville, belonging to the estate of said Thomas Tolbert, deceased, on such terms as they may deem most advantageous; taking bond with sufficient security, for the true and faithful payment of the consideration.

Sec. 2. And be it further enacted, That the said administrator and administratrix, are hereby authorized and empowered on the sale of said land, to make, or cause to be made to the purchaser or purchasers (as the case may be,) of the same, a conveyance of such title as the said deceased had or was entitled to, which conveyance shall be equally valid and binding, as if the same had been made by the said decedent in his lifetime.

Sec. 3. And be it further enacted, That said administrator and administratrix shall, before the sale of said land, hereinbefore authorized to be sold, enter into bond with sufficient security, payable to the Judge of the County Court, in which said land is situated, for the disposition of the money arising from the sale of said land, agreeably to the existing laws, regulating the distribution of the personal effects of deceased persons.

Sec. 4. And be it further enacted, that the administrator and administratrix of Thomas Tolbert, aforesaid, shall give at least thirty days notice, by publishing the time and place of sale of the above described land, in the Florence Gazette or Alabama Republican, and at the Court House door in the town of Moulton and three other public places in said county.
(Approved, Nov. 27, 1821.)

applied.

Proviso.

Surplus,
how dis-
posed of.

Estate de-
signed.

To make
conveyan-
ces.

To enter
into bond.

To give 30
days notice
of sale.

1821.

102

For the relief of Engenio Campbell, tax collector of Lawrence county
for the year eighteen hundred and twenty.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Comptroller of public accounts is hereby authorized and required, to issue his warrant in favour of the said Engenio Campbell, for whatever amount the County Court of Lawrence county shall allow the said Campbell, for insolvencies on the tax list of eighteen hundred and twenty.

Sec. 2. And be it further enacted, That the said Engenio Campbell shall be allowed nine months from the passage of this Act, for the purpose of completing his collection of taxes, for the year eighteen hundred and twenty, if there should remain any yet due, and unsettled.

(Approved December 6, 1821.)

AN ACT

To authorize the Administrators of the late Benjamin C. Benham, deceased, of Limestone county, to sell a tract of land therein designated, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John Montgomery and John Cunningham, administrators of Benjamin C. Benham, deceased, late of Limestone county, be, and they are hereby authorized and empowered, to sell at public auction, giving at least thirty days public notice thereof, a tract or parcel of land, said to contain twenty six acres, being and lying in Madison county, and adjoining the lands of Bartholomew Jordan and others, it being the same that the aforesaid Benjamin C. Benham, deceased, died seized of, taking bond with approved security, for the true and faithful payment of the same.

Sec. 2. And be it further enacted, That the said administrators are hereby authorized and empowered on the sale of said tract of land, to make to the purchaser of the same a conveyance of such title as the said decedent had or was entitled to, which conveyance shall be equally valid and binding, as if the same had been made by the decedent in his lifetime.

Sec. 3. And be it further enacted, That it shall be lawful for the administrator of William A. Rogers, late of Madison county, to sell at public sale, all or so much of the estate that the said Rogers died seized and possessed of, which he purchased of Samuel Dixon, on a credit corresponding with the payments yet due to said Dixon, for said purchase, giving at least thirty days notice, in the Alabama Republican, so soon as the said administrator shall have executed his bond to the Judge of the County Court, and his successors in office, conditioned that the money arising from such sale, shall be applied according to law, in such cases made and provided.

(Approved, Nov. 27, 1821.)

Allowed
longer
time to
collect tax-
es of 1820.

Land de-
signed.

To make
title.

Adm'r of
W. A. Ro-
gers au-
thorized to
sell real
estate.
Adm'r to
execute
bond.

AN ACT

To legitimate a certain person therein named, and for other purposes.

Sec. 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Alexander H. McKee, the natural child of John McKee, be, and is hereby legitimated.

A. H. McKee declared legitimate.

Sec. 2. And be it further enacted, That the said Alexander H. McKee is hereby declared to possess all the rights, privileges, and immunities incident or belonging to a citizen of this State so long as he continues a citizen thereof.

(Approved, December 13, 1821.)

AN ACT

To authorize the Catholic Congregation of christians, in the city of Mobile, to sell certain real estate therein mentioned, and for other purposes.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That John B. Hogan, Terry McCusker, Diego McVoy, Daniel Duvol and Dominique Salles, be, and they are hereby appointed commissioners for the Roman Catholic congregation of Christians, in the city of Mobile, with full power and authority, after giving thirty days public notice in the newspaper published at Mobile, to sell at public sale or at private sale, if the latter should best comport with the interests of the said congregation, (provided however, that the property shall be first offered at public sale,) a certain lot of ground, situate on the west side of Royal street, in said city, on which the church or chapel of the said congregation was long since erected, and which is now in a state of complete dilapidation; the proceeds or monies arising from the said sale to be applied to the suitable erection or construction of a new church or chapel, designed and intended to be constructed on another lot of land in said city, appertaining to said congregation, and which from its situation it is deemed a more suitable place for the construction of a house dedicated to the worship of Almighty God; the overplus, if any, arising from the said sale, after defraying the necessary expenses, incident to the construction of such new church or chapel, to be paid over to the said congregation.

Com'rs appointed.

To give 30 days notice of sale.

Proceeds of sale, how applied.

Overplus to be paid to congregation.

Sec. 2. And be it further enacted, That the said commissioners or a majority of them shall have, and are hereby vested with full power and authority, to make and execute all such deeds, conveyances or other instruments, in writing, as may, in law be needful or necessary, to assure and secure to the purchaser or purchasers all the right title, interest, and claim both at law and in equity, which the said Roman Catholic congregation now have, or which they may hereafter have, in and to the said lot of land, on which their ancient church or chapel is built, and they or a majority of them, are hereby vested with full power and

Com'rs to execute deeds, &c.

May contract, &c. for new church.

1821.

104

authority to contract for, direct and superintend for the said corporation, the construction of a new church or chapel.

To enter
into bond.

Sec. 3. And be it further enacted, That the said commissioners, before they enter on their respective duties, shall enter into bond with good and sufficient security in the

Condti'ns.

sum of three thousand dollars to Vincent Gener, the Catholic priest of said congregation, for the use of the said congregation; conditioned, that they will correctly and faithfully discharge the trust reposed in, and confided to them, according to the provisions of this Act; that they will well and truly account for all monies, to the said congregation, which may come into their hands, proceeding from the sale of the lot hereinbefore mentioned; and, that they will pay over to said Gener for the use of the said congregation, any surplus fund which may be, or remain, in their hands, after completing the payment of the expenses incident to the construction of the new church or chapel, immediatley after the completion of the same.

Compen-
sation.

Sec. 4. And be it further enacted, that the said commissioners shall be allowed such reasonable compensation for their services, as may be fixed and determined upon by the said Catholic congregation.

(Approved, November 27, 1821.)

AN ACT

For the relief of John Bishop.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the County Treasurer of Autauga county be, and he is hereby, authorized and required, to pay to John Bishop, twenty dollars out of any monies which are, or may hereafter be, in the treasury, not otherwise appropriated; it being the amount of a fine imposed on and paid by said Bishop, for his non-attendance as a juror at a Circuit Court, held in and for the county aforesaid, on the fourth Monday in July, one thousand eight hundred and twenty.

(Approved, Dec. 3, 1821.)

AN ACT

For the relief of John Easley.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the County Treasurer, of Lawrence county be authorized and required to pay to John Easley, of Lawrence County, the sum of fifty dollars, the amount recovered against the said John Easley, at March term, one thousand eight hundred and twenty-one, of the Circuit Court of said County, on a forfeited recognizance should the said amount have been paid by the said Easley into the County Treasury of Lawrence County, and should the amount of the said forfeited recognizance be not collected or paid into the County Treasury of said County the same is hereby declared to be remitted.

(Approved, Dec. 17, 1821.)

AN ACT

Authorizing the Administrators of the estate of Robert Morrow, deceased, to sell certain real estate therein mentioned.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the administrators of Robert Morrow deceased, are hereby authorized to sell a certain lot of land, numbered twenty-seven in the town of Montgomery, in this State, belonging to the estate of said deceased, on a credit of six months, taking bond with sufficient security for the payment of the consideration.

Sec. 2. And be it further enacted, That the said administrators are hereby authorized, on the sale of said lot, to make or cause to be made to the purchaser or purchasers (as case may be,) a legal title to the same which title shall be equally as binding, as if the same had been made by the said deceased, in his life time.

Sec. 3. And be it further enacted, That the said administrators shall before the sale of the lot herein authorized to be sold, enter into bond with sufficient security, payable to the Judge of the county court of Greene county.

(Approved, November 28th, 1821.)

AN ACT

To authorize the Administrator of David Dalton, deceased, to sell certain lots therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Administrator of David Dalton, deceased, be, and he is hereby, authorised, to sell all the right, title, and interest of the said David Dalton, deceased, to lots number thirty-one, and one hundred and thirty three, in the plan of the town of Cahawba, upon his giving bond with sufficient security, payable to the Judge of the county court of Dallas county and his successors in office, to be approved by the said Judge, conditioned for the faithful distribution of the proceeds of the said sale, according to the law regulating the distribution of intestates estates;— Provided, that the said administrator shall give public notice of the time and place of such sale, in the Cahawba Press, at least one month previous to the sale.

[Approved, Nov. 19, 1821.]

AN ACT For the relief of William B. Allen, State Printer.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That William B. Allen be allowed out of any money in the treasury, not otherwise appropriated, the sum of five hundred and fifty one dollars, in addition to what he has already received for the political year one thousand eight hundred and twenty-one.

(Approved, Dec. 17, 1821.)

AN ACT

Authorizing Abraham Skidmore and others, to sell certain real estate.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Abraham Skidmore, administrator and Violette Thompson, administratrix of James Thompson, deceased, be, and they are hereby, authorized to sell and transfer the certificate of North-west of the Huntsville median: Provided, that the said administrator and administratrix shall, before they proceed to sell the said land, enter into bond and security to the Judge of the said county court of Morgan, for the correct application of the money arising from the sale.

Sec. 2. And be it further enacted, That Asahel Akers, administrator of William White, deceased, be, and he is hereby, authorized, to sell and transfer certain lands lying and being in Lauderdale county, which were purchased at the sales of the lands of the United States at Huntsville, by said deceased, in his life time.

Sec. 3. And be it further enacted, That the said administrator shall before such sale and transfer, enter into bond with sufficient security, payable to the Judge of the county court of Lauderdale county, for the proper distribution of the money arising from the sale of said lands, agreeably to the existing laws regulating the distribution of personal estates of deceased persons, and give thirty days notice of the time and place of sale, in some public paper printed in this State. [Approved, Dec. 17, 1821.]

AN ACT

Confirming a Decree of the Circuit Court of Madison county, exercising Chancery Jurisdiction, pronounced in September term, 1820, divorcing Harriet Dillard from her husband Nicholas Dillard.

Section 1. Be it further enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the bonds of matrimony, heretofore solemnized and subsisting between said Nicholas Dillard and Harriet Dillard be dissolved, and that the said Harriet be hence forth divorced from the said Nicholas. [Approved, Nov. 20, 1821.]

AN ACT For the relief of Thomas Eastin.

Section 1. Be it further enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Comptroller of public accounts be, and he is hereby, authorized and required, to draw his warrant on the Treasurer of this State, in favour of Thomas Eastin, for the sum of thirty three dollars and fifty cents, for services rendered as Public Printer; and that the Treasurer be authorized and required to pay the same, out of any monies in the Treasury of this State, not otherwise appropriated. (Approved Dec. 18, 1821.)

AN ACT

To authorize Maria Evans and Lewis Tilman, to emancipate certain slaves therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Maria Evans of the county of Madison, be, and she is hereby authorized, to emancipate a certain negro man slave named Richard Evans, aged about twenty seven years, so soon as said Maria Evans shall have executed to the Judge of the county court of Madison, and his successors in office, a bond with sufficient security, to be approved by said Judge, conditioned that the said Richard Evans shall never become chargeable to the State of Alabama, or any county or town therein.

Sec. 2. And be it further enacted, That Lewis Tilman of the county of limestone be, and he is hereby, authorized to emancipate his slave Jack, so soon as the said Lewis Tilman shall have executed to the Judge of the county court of Limestone, and his successors in office, a bond with sufficient security, to be approved by said Judge, conditioned that no creditor shall sustain any loss by reason of said emancipation, that the said slave Jack shall never become chargeable to the State of Alabama, or any county or town within the same. (Approved, Nov. 19, 1821.)

AN ACT

To divorce Sarah M. Bracken from her husband James A. Bracken, in pursuance of the degree of the Circuit Court of Franklin county, exercising Chancery Jurisdiction.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the bands of Matrimony heretofore existing between Sarah M. Bracken and James A. Bracken be, and the same is hereby, dissolved, and the said Sarah M. Bracken shall be entitled to all the rights and privileges of a feme sole, in pursuance of the decree of the Circuit Court of Franklin county, exercising Chancery Jurisdiction.

[Approved Dec. 17, 1821.]

AN ACT For the relief of William Walton.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Sheriff of Clarke county, be, and he is hereby, required to suspend the collection of an execution issuing from the Circuit Court of said county, at April term, one thousand eight hundred and twenty-one, against William Walton, one of the securities in the case of the State of Alabama against Jacob J. Todd.

Sec. 2. And be it further enacted, That the said William Walton be, and he is hereby exempted, and forever discharged from the payment of the said judgment.

[Approved, November 28th, 1821.]

AN ACT

For the relief of Thomas H. Kirby, tax collector of Jackson county, for the year 1820.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Sheriff of Jackson county be, and he is hereby, authorized and required, to suspend any further collection or proceeding against said collector, for arrearages that he is in, for the year one thousand eight hundred and twenty, until the county court of Jackson shall certify the amount of insolvents on said collector list.

Sec. 2. And be it further enacted, That the Comptroller of public accounts be, and he is hereby, authorized and required, to allow Thomas H. Kirby, tax collector as aforesaid, whatever amount the county court of Jackson may, at their second session in the year one thousand eight hundred and twenty-two, certify the said collector is entitled to, for insolvencies in said county, in settlement with him.

Sec. 3. And be it further enacted, That the said Thomas H. Kirby, tax collector as aforesaid, shall have until the first day of July one thousand eight hundred and twenty-two, to collect and pay over the balance of tax due for the year one thousand eight hundred and twenty, which may not be certified by the county court of Jackson to be insolvent: Provided, that nothing in this act shall be so construed as to exempt the said tax collector from the payment of any monies he may have collected.

[Approved, December 18,]

AN ACT

Legalizing the sales of certain lands and lots therein named, and for other purposes.

Preamble. Whereas, by an Act passed at Huntsville entitled an Act to authorize the administratrix and administrator of David W. Micheaux deceased, to sell certain real estate therein named, and which act also required the said administratrix and administrator, before the sale of the said real estate to enter into bond with security payable to the Chief Justice of the Orphans Court, of the county in which said estate was situated, for the disposition of the money arising from the sale thereof agreeably to the existing laws regulating the distribution of the personal effects of deceased persons; and whereas the said real estate was regularly and property sold in pursuance of the provisions of the aforesaid act, except that the bond therein required was not executed, until after the sale: and whereas all persons interested therein have prayed that the sale and bond aforesaid may be confirmed, and the said administrator and administratrix have also prayed, that the proceeds arising from the said sale may

be first applied in payment of the debts of their intestate, and the balance if any, in a course of legal distribution.

Section 1. Be it therefore enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the sale and bond aforesaid be, and the same are hereby, confirmed, and considered good and valid in all respects and to all intents and purposes, as if the said bond had been executed before the sale.

Sec. 2. And be it further enacted, That the said administratrix and administrator be, and they are hereby, authorized to apply the proceeds arising from the sale aforesaid, in payment of the debts of their intestate, and the balance, if any, be subject to a course of legal distribution, according to the provisions of the aforesaid recited act.

And Whereas Edmund Lane, administrator of James H. Bell, deceased, hath prayed the sale of two lots in the Town of Cahawba, numbered forty eight, and three hundred and seventy three and also the south east quarter of section twenty five, in Township thirteen and range ten east, being the property and estate of his said intestate.

Sec. 3. Be it therefore further enacted, That the said Edmund Lane, administrator as aforesaid, be, and he is hereby, authorized to to sell the certificates of the said lots and quarter section, on such terms as he may deem most advantageous, taking bond and sufficient security for the true and faithful payment of the consideration: Provided, That thirty days notice be given of the time and place of sale, and that the same be sold at public auction in the Town of Cahawba; and provided also, that before the said sale, the administrator enter into bond and sufficient security payable to the Judge of the County Court of Dallas county, for the disposition of the money arising from said sale, according to law.

Sec. 4. And be it further enacted, That the said administrator be, and he is hereby, authorized, to apply the proceeds of said sale first in payment of the debts of his intestate, and the balance if any, in a course of legal distribution.

Sec. 5. And be it further enacted, That Ann Cowan, administratrix, and James G. Cowan, administrator, of the estate of John Cowan deceased, be, and they are hereby, authorized, to sell the certificate of fractional section number eight, east of Alabama River, in township number sixteen, in range number eleven, upon such terms as they may deem most advantageous, for the interest of said estate; Provided, that thirty days notice be given of the time of sale, and that the same be sold at public auction in the Town of Selma, and that the proceeds thereof be applied, first in payment of debts, the balance in legal distribution.

Sec. 6. And be it further enacted, That the said adminis-

Adm'r D.
W. Miche-
aux sale &
bond con-
firmed, &
made va-
lid.

Proceeds
of sale.
How appli-
ed.

Adm'r of
J. H. Bell
authorized
to sell real
estate.
Proviso.

Adm'r to
enter into
bond.

Proceeds
of sale,
how appli-
ed.

Adm'r of
J. Cowen
authorized
to sell land.

Proviso.
Proceeds,
how appli-
ed.

1821.

To enter
into bond.

110

tratrix and administrator, shall, before the sale of the lands hereinbefore authorized to be sold, enter into bond with sufficient security, payable to the Judge of the County Court in which said lands are situated, conditioned for the faithful distribution of the money arising from the sale of said land.
[Approved, Dec. 6, 1821.]

AN ACT

For the relief of John M'Shan and William M'Shan, of Jefferson county.

Section 1. Be it enacted by the Senate and house of Representatives of the State of Alabama in General Assembly convened, That the Sheriff of Jefferson county be, and he is hereby, authorized and required, to suspend the collection of a forfeiture of one hundred dollars each, entered up against John M'Shan and William M'Shan, of said county, at September term one thousand eight hundred and twenty-one, as security for William M'Shan, to prosecute John Henry and others for a breach of the peace.

Sec. 2. And be it further enacted, That the said John M'Shan and William M'Shan be, and are forever discharged and exonerated from the payment of the aforesaid fine of one hundred dollars each.

[Approved, December 3rd, 1821]

AN ACT

To authorize the administrator of John Wyatt, deceased, to sell certain real estate therein named.

Estate de-
signated.

To give
notice of
sale.

Adminis-
trator to
make title.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Henry Scales, administrator of John Watt, late of Madison county, deceased, be, and he is hereby, authorized, to sell the northeast, northwest, and south west quarters of section numbered thirty three, in township two, of range one, cast of the basis meridian, in the Huntsville, district by giving the same notice as he is required to give, and selling at the same time and place of selling the personal effects of said deceased; taking bond with approved security for the amount of the purchase money, giving twelve months credit.

Sec. 2. And be it further enacted, That the said administrator is hereby authorized and empowered, on the sale of said lands, to make or cause to be made to the purchaser or purchasers (as the case may be,) of the same, conveyance of such title as the decedent had or was entitled to, which conveyance shall be equally valid and binding, as if the same had been made by the said decedent in his lifetime.

Sec. 3. And be it further enacted, That the said administrator shall before the sale of lands, hereinbefore au-

thorized to be sold, enter into bond with sufficient security payable to the Judge of the County Court and his successors in office, in the county in which such land is situated, for the faithful disposition of the money arising from the sale of said lands, agreeably to the existing laws regulating the distribution of the personal effects of deceased persons.

Sec. 4. And be it further enacted, That if the before named lands should not be sold, at the time of selling the personal effects, then and in that case, the said administrator shall again advertise the lands for sale, giving thirty days notice in the Alabama Republican and advertising the same at three other public places in the county where said land lies, of the intended time and place of selling.

(Approved, Dec. 13, 1821.)

AN ACT

Divorcing certain person therein named.

section 1. Be it enacted by the Senate and house of Representatives of the State of Alabama in General Assembly convened, That, in conformity with the decision and decree of the Circuit Court of Conecuh county, exercising chancery jurisdiction, pronounced and entered at September term, one thousand eight hundred and twenty-one, the bonds of matrimony heretofore solemnized and subsisting between William Bagby and his wife Elizabeth Bagby, be, and the same are hereby annulled and made void; and that the said William Bagby be, henceforth, divorced from the said Elizabeth Bagby.

Sec. 2. And be it further enacted, That, in conformity with the decision and decree of the Circuit Court of Madison county, exercising chancery jurisdiction, pronounced and entered at September term, one thousand eight hundred and twenty one, the bonds of matrimony heretofore solemnized and subsisting between Nancy Clift and her husband Jesse Clift, be, and the same are hereby, annulled and made void; and that the said Nancy Clift be, henceforth, divorced from the said Jesse Clift.

Sec. 3. And be it further enacted, That, in conformity with the decision and decree of the Circuit Court of Morgan county, exercising chancery jurisdiction, pronounced and entered at October term, one thousand eight hundred and twenty one, dissolving the bonds of matrimony heretofore solemnized and subsisting between Elizabeth Caley and her husband Henry Edward Caley, be, and the same are hereby, annulled and made void; and that the said Elizabeth Caley be, henceforth, divorced from the said Henry Edward Caley.

Sec. 4. And be it further enacted, That, in conformity with the decision and decree of the Circuit Court of Dallas county, exercising chancery jurisdiction pronounced

Adm'r to
enter into
bond,

Land not
sold how
disposed of.

W. Bag-
by divorc-
ed from his
wife Eliza.

Nancy
Clift di-
vorced
from her
husband
Jesse.

Elizabeth
Caley di-
vorced
from her
husband,
Henry E.
Caley.

J. B. Lo-
rez divorc-

1821.

ed from his
wife Jane.

Polydore
Naylor di-
vorced
from his
wife Eliza-
beth.

112

and entered at August term one thousand eight hundred and twenty one, dissolving the bonds of matrimony, heretofore solemnized and subsisting between John B. Lorez and his wife Jane Lorez, be, and the same are hereby, annulled and made void; and that the said John B. Lorez, be, henceforth divorced from the said Jane Lorez.

Sec. 5. And be it further enacted, That, in conformity with the decision and decree of the Circuit Court of St.

Clair county, exercising chancery jurisdiction, pronounced and entered at the regular term held in, and for the county aforesaid, on the second Monday after the fourth Monday in September, one thousand eight hundred and twenty the bonds of matrimony heretofore solemnized and subsisting between Polydore Naylor and his wife Elizabeth Naylor, be, and the same are hereby, annulled and made void; and that the said Polydore Naylor be, henceforth, divorced from the said Elizabeth Naylor. (Approved, Nov. 29, 1821.)

RESOLUTIONS,

To request our Senators and Representative, in Congress, to use their exertions to procure an appropriation for treating with the Creek and other nations of Indians, relative to the Cession of certain parts of their Territory.

WHEREAS it has been represented to the General Assembly of this State, by certain resolutions passed by the legislature of Georgia, that the Creek and Cherokee nations of Indians are desirous to make certain cessions of their territory, by which the settlements of Alabama, Tennessee, and Georgia, would become connected, and thereby greatly facilitate the personal and commercial intercourse and traffic of the citizens of the said States: Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators, in the congress of the United States, be instructed, and our Representative requested, to use their best endeavors to have an appropriation made for holding a treaty or treaties with said nations of Indians.

And be it further enacted resolved, That a copy of this preamble and resolutions be transmitted, by His Excellency the Governor, to each of our Senators and Representative.

(Approved, Dec. 12, 1821.)

RESOLUTION,

Appointing a commissioner to act with other commissioners in fixing the temporary seat of Justice for Decatur County.

Resolved y the Senate and House of Representatives of the State of Alabama, in General Assembly convened , That William Leg be, and he is hereby, appointed commissioner, to act with the commissioners already appointed to fix the temporary seat of Justice for Decatur county.

[Approved, Dec. 19, 1821.]

Concerning the printing of the Journals and Laws of the present General Assembly, and for other purposes.

Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the public printer be, and he is hereby, required, to print and deliver according to law, two thousand two hundred copies of the laws and resolutions passed at the present session of the Legislature, one thousand copies of the Journals of the House of Representatives, and seven hundred copies of the Journals of the Senate.

And be it further Resolved, That the Secretary of State, immediately on the receipt of the said laws and Journals as aforesaid, be empowered and requires, to employ a suitable person to carry that portion of them to which the counties in the first, second, and sixth, Judicial Circuits are entitled, and another to carry those to which the counties in the third, fourth and fifth Judicial Circuits are entitled, forthwith, to the clerks of the County Courts of each county, respectively, to be by them distributed according to law.

And be it further Resolved, That the Secretary aforesaid be, and he is hereby authorized, to draw on the Comptroller of Public accounts in favour of the person employed to carry them to the counties in the first, second and sixth Judicial Circuits, a sum not exceeding ; and in favour of the person employed to carry them to the counties in the third, fourth, and fifth Judicial Circuits, a sum not exceeding ; which shall be paid out of any money in the Treasury not otherwise appropriated, any law to the contrary notwithstanding.

And be it further Resolved, That the public printer shall receive his salary in the following manner, to wit: one fourth on the delivery of the printed laws to the Secretary of the State, according to law ; one fourth on the delivery of the Journals of the House as above; and the remaining one fourth at the expiration of the year : and the Comptroller is hereby authorized to issue his warrants in his favour for the amount thereof, on the Certificate from the Secretary that the same are completed.

[Approved Dec. 18, 1821.]

RESOLUTION

Allowing to the comptroller two hundred and fifty dollars in addition to his present salary.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Comptroller of Public accounts be, and he is hereby allowed, two hundred and fifty dollars in addition to his present pay.

[Approved, Dec. 17, 1827.]

Number
of copies of
laws to be
printed.
Journals

H. of R. &
Senate.

Sec'y of
State to
employ
persons to
distribute.
To be deli-
vered to
cl'k Co'ty
Court.

Sec'y to
draw on
Comptrol-
ler for dis-
tributors
pay.

Public
printer
manner of
receiving
his salary.
Comptrol-
ler to issue
warrant.

RESOLUTIONS,

Making it the duty of Harry Toulmin and the Judges of the Supreme and Circuit Courts of this State, to report to the General Assembly, any defects or imperfections which may exist in the Statutes of this State.

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That

H. Toulmin to report defects, &c. in the statutes of Alabama. laws, to the General Assembly at their next session.

it shall be the duty of Harry Toulmin, who has been appointed to digest the laws of this State, to make memorandums in the progress of his examination of any defects, inconsistencies, ambiguities, or imperfections, in the Statutes of this State, which may appear to him to exist, and to make report thereof, detached from his report of the digest of the laws, to the General Assembly at their next session.

Judges to report defects, &c. to legislature.

And be it further resolved, by the authority aforesaid, That it shall be the duty of the Judges of the Supreme and Circuit Courts of this State, to note or make memorandums of any and all defects and imperfections in the statutes of this State, which they may discover in the course of the discharge of their Judicial Duties, and make report of the same from time to time, to the General Assembly.

(Approved, Dec. 12, 1821.)

RESOLUTIONS,

Authorizing the Tax Collectors of the counties of Madison and Limestone to pay into the Huntsville Bank the Amount of taxes due from their respective counties.

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the tax collectors of Madison and Limestone counties be,

Sums to be placed to credit of Governor.

and they are hereby, authorized and required, to pay into the Huntsville Bank, the amount of money they may have collected, on or before the twenty seventh day of December, one thousand eight hundred and twenty one : which sums shall be placed to the credit of the Governor of the State, to be applied in conformity with the Act authorizing the payment of the debt of ten thousand dollars, due from the State to said Bank.

(Approved, Dec. 18, 1821.)

RESOLUTIONS,

In relation to the annexation of that part of Florida which lies west of the Apalachicola river.

Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress and our Representative in the same, be requested to convey to the Congress of the United States, the anxiety which is felt by the citizens of this State, that, that part of Florida which lies west of the Apalachicola river should be annexed to this State : and that our Senators and Representative be instructed and re-

quested as aforesaid, to procure the passage of a law, by which this desirable object may be effected.

And be it further resolved by the authority aforesaid, that his Excellency the Governor of this State, be requested to forward a copy of the foregoing resolution to each of our Senators and Representative, with as little delay as possible. [Approved, Dec. 18, 1821.]

RESOLUTIONS,

Instructing our Senators and Representative in Congress, in relation to the Census of this State.

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators and Representative in Congress, be instructed to use their influence to procure the passage of a law, by which such parts of the returns of the census of the State of Alabama, as have been or may be received subsequently to the time pointed out by an act of Congress, passed at the last session, may be received and make a part of the population of this State, in such manner as to be entitled to representation in Congress.

Resolved further, That the Governor be requested to forward a copy of the foregoing resolution to each of our Senators and Representative.

[Approved, Dec. 17, 1821.]

RESOLUTIONS,

In relation to the Road from Uchee Brigge to Line creek.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in the Congress of the United States be instructed, and our Representative requested, to use their influence, to procure to Thomas Barton and chapel Sledge, the right of establishing a Road in the Creek nation of Indians, leading from the Uchee bridge to the United States' boundary line on Line creek.

And be it further resolved, That his Excellency, the Governor, be requested to forward to each of our Senators and Representative, a copy of these resolutions.

[Approved, Dec. 17, 1821.]

RESOLUTIONS,

Returning the thanks of this Legislature to Jeremiah Austill for his heroic exertions during the late Creek war, particularly for his gallant conduct when in company with Brevet Brigadier general Dale in the Canoe action.

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That this Legislature return their unfeigned thanks to Jeremiah Austill for his heroic exertions during the late Creek war, and particularly for his gallant conduct when in company

with Brevet Brigadier General Dale, in the Canoe action on the Alabama river.

Resolved further, That his Excellency the Governor. be, and he is hereby, requested, to transmit a copy of these resolutions to Jeremiah Austill, as soon as practicable, after the passage of the same.

[Approved, Dec. 18, 1821.]

Secretary of State's Office
Cahawba, Feb. 9, 1822.

It is hereby certified, that the foregoing Acts and Resolutions are correct copies, collated with, and corrected by, the original rolls deposited in this Office.

JAMES. J. PLEASANTS,
Secretary of State.

INDEX.

Academies, in Montgomery	76	Bates James A. payment of	68
Sparta	84	Belle Fonte, incorporated	82
Abercrombie Leonard, to emanci-		Benhem Benj. C. administrators of	102
pate slaves	99	Bibb, boundaries altered-	56
Allen Wm. B. relief of	105	circuit court when held	9
Appeals, from Justice of Peace	13	seat of justice	65
Appropriations, expenses of Gene-		Bell James H. administrator or	109
ral Assembly	94	Bills change, unlawful to issue	97
State officers &c.	ib.	Bishop John, relief of	104
to certain officers	68	Blount circuit court when held	9
payment of certain claims	78	Bridges [see roads]	
Apportionment of Gen. Assembly	57	Bush John, payment of	66
Arms Public, act concerning	27	Butler, circuit court when held	10
Assessors and Collectors of taxes,		election precincts	67 75
when held and how appointed	36	commissioners of	75
to give bond	38 36	county court to levy tax	86
their duties	39 40	seat of justice	ib.
when and how to proceed	41	Cahawba town, relief act	11
Autauga, circuit court when held	9	Campbell Eugenio, relief of	102
Austill Jere, resolution conc'rn'g	115	Census, resolution in relation to	115
Baldwin county, Records from Mo-		Chamberlain H. W. relief of	88
bile to be transferred to	17	Clarke, circuit court when held	9
circuit court when held	9	boundary changed	68
election precincts	63 67	Clerks county courts, to attend courts	
act in relation to ferries in	47	of oyer and terminer	16
Banks, in relation to	23	to issue licences	42 50
proceedings against	24 42	for shows &c.	53
Huntsville Bank to be paid	68	Courts circuit, 6th judicial circuit	8
taxes on shares	50	Judge & Solicitor to be elected	10

circuits arranged	8	Decatur county, established	70
when held	8 9 10 11	jurisdiction of	72
intermediate terms	11	temporary seat of jus-	
continuances	26	tice	73 80 112
venue how changed	ib.	circuit court when held	10
right to property	ib.	election precinct	67
Oyer and terminer	act	county court to levy tax	74
to amend &c.	13	Dellet James, payment of	79
County, certain courts when held	30	Demopolis, incorporated	81
in Franklin	46	Digest, act providing for	18
Mobile jurisdiction ex-		Divorce, Harriet Dillard from Nich-	
Tended	31	olas Dillard,	106
Dallas, public dues may		William Bagby from Eliza-	
Be collected in	80	beth Bagby	111
appointment of officers	13	Nancy Clift from Jesse Clift	ib.
Martial, president may re-		Elizabeth Caley from	
quire atten'ce of witnesses	34	Henry Edward Caley	ib.
members not to receive pay	33	John B. Lorez from Jane	
Judges advocate, their		Lorez	ib.
compensation	ib.	Polydore Naylor from Eli-	
Comptroller, additional salary of	113	zabeth Naylor	112
Cowan John, administrator of	109	Sarah M. Bracken from	
Conecuh river, declared public high-		James A. Bracken	107
way	47	Duelling, act concerning	16
ferry on, authorized	48	Dunn Williams, allowed pay	62
county, cic't co'rt when held	10	Easley John, relief of	104
seat of justice	90	Eastin Thomas, relief of	106
election precincts	63	Ejectment, fictitious proceedings in	
Counties, Bibb & Perry boundaries	58	abolished	23
Clarke & Monroe boundaries	68	Election militia, company officers	
Pike and Covington esta-		&c.	28 33
blished	69 71	return of	28
Henry, boundaries changed		ib. officers of new regiments	32
Montgomery, boundaries of	ib.	Colonel, Lieut Colonel.	
Jackson, boundaries	72	and Major	33
Limestone, limits enlarged		ib. Election precincts, established	63 64 67
Coker N. B. payment of	79	at squ'r Saunders	64
Collectors, [see assessors]		in Corington	70
Madison and Limestone to		in Butler	75
pay into Huntsville Bank	114	Evans Mario, to emancipate a slave	107
Corington, established	71	Executions, not levied in certain	
circuit court when held	10	cases	18
elections precincts	70	return of	22
commissioners of	ib.	claims to property under	26
Crawford Wm.B. & Co. to build mill	61	continuance of trail	ib.
Dale Samuel, exonerated	53	may be suspended	23
gratitude expressed to	60	Fees, in suits at instance of State,	
Dallas, election precincts	64 67	repeal of	79
circuit court when held	9	Ferries, [see roads]	
jurisdiction of county court		Florida, resolution in relation to	114
extended	80	Forgery of Treasury notes, declar-	
Dolton David, administrator of	105	ed felony	97

Franklin, circuit court when held	9	Jurisdiction, Jackson over Cherokee lands	17
county court when held	46	Mobile county court	31
time extended to collect-		Decatur cherokee court	72
or of	74	jurors how excused	25
General Assembly, members to take		Kirby Thomas H. relief of	108
duelling oath	16	Laws, act to provide for digesting	18
time of convening	56	Lawrence, circuit court when held	9
appotion, 't of	57 58	election precincts	63
Gaming, three ticket lottery	26	time extended to collector of	70
Gilchrist Malcolm, to build mill &c.	61	Lauderdale, circ't co'rt when held	9
Goode Sidney M. payment of	79	election precincts	63
Grants & Patents, mode of issuing	57	Lewis Edwin, to cut out road	59
Greene, circuit court when held	9	Limestone, circuit court when held	9
election precincts	67	election precincts	64
Henry, boundaries changed	71	boundaries extended	72
circuit court when held	10	collector to pay into	
commissioners of	70	Huntsville Bank	114
c'nty c't to levy tax	ib.	Lister Josiah, relief of	88
Incorporations, navigation steam-		Loan, Governor to effect	68
boat company	47	" authorized to pay	ib.
University, trustees of	1	Lotteries. For building bridge	
Demopolis	81	over Prairie creek	45
Belle Fonte	82	Turnpike road from	
Sparta Academy	84	Mobile to Chickasaw-	54
Tuskaloosa Chapter	85	Bogue creek	
Alabama Chapter	ib.	Russelville Lodge	55
Mobile chapter amend-		all Masonic Lodges	56
ed	86	Academy at Montgomery	76
Mobile steam boat		Sparta Academy	84
company	87	Madison, circuit court when held	10
Indian creek naviga-		Clerk of Circuit court	
tion company	88	to draw names of ad-	ib.
Vernon	89	ditional Jurors,	
Sparta	90	Election precincts,	64
Murder creek naviga-		Time extended to taxes	r.70
tion company	97 98	Collector to pay into	114
Indian Lands, jurisdiction of	17 42	Huntsville Bank	
resolution respecting		Marengo, circuit court when held	9
cession of	112	to be holden	
Indian creek navigation company,		election precinct	67
charter amended	80	Malicious mischief, punished	24
Jackson, limits and jurisdiction en-		Marion, circuit court when held	9
larged	17	Mays, Clawbourne, Administrator of	100
circuit court when held	9	M'Alpsin, Alexander, Payment of	78
Boundaries changed	72	M'Kee, Alexander H. Legiti-	
temporary seat of justice	73	mated,	103
county court to levy tax	74	Merrick, Timothy, Payment of,	78
Jackson Jacob, payment of	79	M' Shan, John and William, Relief	
Jefferson, cicuit court when held	9	of	110
election precincts	64 67	Micheaux, Daniel W. Administra-	
Judges of circuit & supreme courts,		tor &c. of	108
to report imperfections in		Militia, New Regiments made	32
statutes	114		

Election, company officers 28

circuit court when held 9

colonel, lieutenant		boundaries changed	56	
colonel and major	33	election precincts	60 67	
returns of	ib.	Pike county established	71	
assistant Adjutant General,		election precincts		67
when to make returns	ib.	commissioners of	69	
Brigade Majors their com-		circuit court when held	10	
pensation	ib.	seat of justice (temporary)	70	
officers when to be furlough-		Phillips Joseph, executor of	93	
ed	ib.	Printing pub. resolution concern'g	113	
two company mustors in		Quo warrants Gov. cause to issue	24	
each year	ib.	Rather Daniel, payment of	78 79	
courts martial, president may		Records, of Mobile & Baldwin	17	
compel witnesses to at		Spanish	18	
tend	34	Rents, acts respecting	19	
members not allowed pay	35	Revenue, act to raise	49	
Judge Advocate's compen-		Time extended to certain		
sation	ib.	collectors	70	
Mobile city of, navigation steam		Rivers, Conecuh & Sepulguh de-		
boat company	47	chured highway	47	
charter amended	86	Mulberry fork declared na-		
steamboat company incorporated		vigable	83	
Catholic congregation	103	Roads, &c.		
Mobile county of, certain records		From Sutton's Gap to Byler's	28	
to be transferred to Baldwin	17	Tenn. river to Cahawba	ib.	
circuit court when held	9	Cahawba to Pensacola	29	
Spanish records	18	Tusk'sa to Pens. & Blakely	ib.	
act in relation to ferries	47	To Mobile	ib.	
Election precincts	67	Cahawba to the Pine Barren		
Monroe, circuit court when held	3	creek	37	
c'ty. court to impose tax	60 86	C'ty. c't. to appoint overseers	48	
election precincts	63	Overseer to contract for timber	ib.	
boundaries changed	ib.	Defaulters fines, how collected	ib.	
Montgomery, circ't co'rt when held	10	Penalty on overseers for not pros-		
lottery for building academy	76	ecuting defaulters	44	
seat of justice to be fixed	77	From Canton to Cahawba declar-		
boundaries of	71	ed State road	ib.	
county court to levy tax	78	Hands, how warned to work on		
Morgan, circuit court when held	10	roads	ib.	
Mulberry fork of Tuskaloosa, declar-		Penalty for injuring causeways		
ed navigable	83	and bridges	46	
Murder creek navigation company,		Mobile and Baldwin to inflict pe-		
incorporated	98	nalties, &c. as to ferries	47	
Morrow Robert, administrators of	105	From Buttsville to shoals Cone-		
Navigation steam-boat company,		cuh	46	
incorporated	47	Toll bridge across Big Mulberry	ib.	
Oyer and Teminer, [see courts]	13	Bridge at Falls of Tuskaloosa	34	
Patents and grants, made of issuing	57	At Lower Tuskaloosa		36
Pickens, jury for 1st cir'ct. co'rt	14	From Russelville to interest		
e'ection precinct	63	Byler's road	45 36	
com'rs to fix seat of justice	74	Bridge over Prairie Creek	ib.	
Perry, seat of justice to be fixed	14	Road from Mobile to Chicksaw		

Bogue creek	54	
Ralston's to Winchester , in Mo-		
bile	59	
To Fort Williams	62	
Uchee bridge to Line Creek	115	
Rogers, William A. adm'r of	102	
Sargent Nathan, payment of		79
Seats of Justice, in Tuscaloosa and		
Perry	14 15	
Bibb (temporary	66	
Shelby		ib
Henry, Covington and Pike	69	
Pike (temporary)	70	
Decatur (temporary)	73 80	
Jackson (temporary)	73	
Pickens	74	
Butler	75	
Montgomery	77	
Butler com'rs	86	
Conecuh	90	
Securities, act for relief of	20	
Sepulgah and Conecuh declared pub		
lic highways	47	
Shelby, circuit court when held	9	
election precinct	63	
Seat of Justice	65	
Sheriffs, not to levy executions in		
certain cases	19	
Writs and executions when re-		
turned	22	
Sivley, John , payment of	79	
Slaves, act for trial of , amended	13	
Solicitors, in relation to salaries of	64	
Sparta, Academy established in	34	
Incorporated	90	
Charter amended	93	
St. Clair, circuit court when held	9	
county court to remune-		
rate J. Cunningham	80	
Election precinct	64	
Statutes, imperfections in by whom		
reported to Gen. Assem,	114	
Supersedeas, may be granted in va-		
cation	23	
Taxes, assessing and collecting of	38	
Kind of money received in		
payment of	23 96	
Time extended to certain		
collectors	70	
Thimbles, (three) Penalty for exhi-		
biting	26	
Thompson, James, adm'r &c.		
of	106	

Thrash George A. appropriation to	96	
Tilman Lewis, to emancipate a slave	107	
Tolbert Thomas, administrator of	101	
Toulmin Harry, to report imperfec- tions in statutes	114	
Treasury notes to be issued	95	
Trigg W. & A. appropriation to	96	
Trespass, titles tried by action of	23	
Tuskaloosa, town, building bridge authorized at	34	
Authorized at lower town		36
Chapter incorporated	85	
County, commissioners to fix seat of justice	15	
Circuit court when held	9	
Election precinct	67	
River, Mulberry fork declared navi- gable	83	
University, act to incorporate (sup- plementary)	3	
Seminary land vested in Trustees of	6	
Trustees may sell, mini- mum price	ib.	
Appoint persons to make sale	7	
Select site for female se- minary	8	
Venus, change of	25	
Vernon, incorporated	89	
Ware, Merrit payment of	78	
Washington, circuit c't when held	9	
Wation Wm. relief of	107	
Walt John, administrator of	110	
White Wm admir of	106	
White Thompson, payment of	79	
Wilcox, circuit court when held	9	
Election precinct	67	
Commissioners of	70	88
Election precincts re-esta- blished	63	
Writs, return of	22	